Tros Tyriusque mihi nullo discrimine agetur

NORTH AMERICAN REVIEW

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FOR PRESIDENT

CHARLES EVANS HUGHES

BY THE EDITOR

I. *"FAITHFUL ARE THE WOUNDS—"*

SIMULTANEOUSLY with the inauguration of Woodrow Wilson as President of the United States on March 4, 1913, we quoted—in *Harper's Weekly*—the words of George William Curtis succinctly defining the primary obligation of a public journal, to wit:

> The press is never a more beneficent power than when it shows the country that, while loyal to a party and its policy, it is more loyal to honor and patriotism. It is the palladium of liberty because it is the only power in a free country that can alone withstand and overthrow the crafty conspiracy of political demagogues. If it does not lead, it is because it chooses to follow; it is because it does not know that no office is so great as that of molding opinion which makes parties and Presidents; that no patronage is so powerful as the just fear of an unquailing criticism brought home to every word and every act of every public man, and commending its judgment to the intelligence and the conscience of every citizen.

We continued,—speaking for ourselves:

> *Harper's Weekly* reaffirms the principles of its great editor. It regrets nothing that it has done; it rejoices in the re-establishment in power of the party which should and can be great, liberal, and

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truly Democratic; it feels that it has peculiar reason to wish for the Administration of President Wilson the greatest conceivable measure of success.

To that end and in that hope, as a natural sequence of the result accomplished, it now resumes the exercise of its normal and highest functions as an independent Journal of Civilization, free and glad to commend generously all that it deems praiseworthy, and equally free and ready to criticize frankly or condemn unsparingly whatever it may adjudge deserving of censure.

From this day forward the attitude of *Harper's Weekly* toward the Administration of President Wilson will differ in no respect from its attitude toward the Administration of his predecessors.

How faithfully THE NORTH AMERICAN REVIEW, the successor of *Harper's Weekly* as a political factor, has maintained the pledge then given may be left safely to the discriminating judgment of its readers. For ourselves, while conceding the possibility of having erred in some instances, we assert with no whit less assuredness than the President declared of his handling of the "perplexing business" of Mexico that there has been no fault "in purpose or object." Indeed, if we may speak with full candor at the risk of seeming to be unduly self-gratified, we find a record of public service without material blemish. If we have erred at all, the laxity has been on the side of lenience, due to what we regarded as " a peculiar reason to wish for the Administration of President Wilson the greatest conceivable measure of success" and to a feeling that exceptional consideration should in fairness be accorded inexperience. We have not cavilled at the Administration. And such criticisms as we have made from time to time have been, in truth, more than helpful; they have been constructive, never the contrary—as the recalling of a few notable instances will clearly show.

The united opposition now appeals to the country to dislodge the Administration upon the grounds of criminal blundering with respect to Mexico, of fatuous timidity in dealing with belligerent Powers, of flagrant violation of the merit system, notably in the diplomatic service, of betraying popular government, of profligacy and of inefficiency. Other issues are raised, but these are universally recognized as the vulnerable points in the record and the least susceptible of successful defense. Against the acts which made possible the creation of each and every one we protested earnestly and warned unceasingly while they were in the

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making and while there was yet time to avoid pitfalls tending to disastrous consequences.

Discriminatory class legislation was proposed at the very beginning of the special session in April, 1913, when at the behest of Mr. Samuel Gompers a "rider" was attached to the Appropriation Bill forbidding the use of any part of the money allotted for the enforcement of anti-trust laws "in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor." Promptly and as earnestly as lay within our power—on May 19, 1913, while the iniquitous measure was awaiting his signature or veto—we appealed to the President in an Open Letter in *Harper's Weekly* to stand bravely for the traditional Democratic principle of "Equal Rights for All,"—but in vain. In reviewing "Six Months of Wilson" in the succeeding November number of THE NORTH AMERICAN REVIEW, we were obliged to record the fact that, after six weeks of deliberation, he signed the Bill, lamely excusing himself upon the ground, forsooth, that he " could not separate the *unjustifiable* provision " from the remainder of the Act. Whereupon we warned him that, unless he could and should "control and chain the forces which he himself had unloosed," the country soon would face "a determined struggle for class domination whose outcome every patriotic citizen must contemplate with the gravest foreboding,"—a prediction now, alas, fulfilled.

This abandonment of principle was the genesis of the recent successful drive of the Labor Unions which Mr. Hughes rightly designates as the "paramount issue" of the campaign. If its creation shall eventuate in the defeat of Mr. Wilson, he will have only his contemptuous disregard of the foresight of his friends and his pitiable surrender of his own convictions to blame.

As early as December, 1913, we urged upon the President the need of grave consideration of the probable outcome of his meddlesome and dictatorial attitude towards the *de facto* Government of Mexico. After granting with pride and satisfaction that nobody here or abroad and "nobody in Mexico who need be considered" questioned his high purpose or suspected his good faith, we could not ignore the palpable

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and unescapable fact that his policy had failed, for the simple reason that he had "no moral or legal right" to say who should or should not be President of Mexico nor to forbid the candidacy of Huerta or of anybody else. The question was how to retrieve the error and regain a solid footing for a fresh start. To that end, we urged " a manful reversal of the attempt at dictation by means of an unworkable Imperialism " and candid recognition of actually existing conditions, in conformity with established international usage and the unbroken practice of the United States.

Again, in April, 1914, when the bandits of Carranza and Villa, armed by the grace of our Government from the United States, were beginning to ravage Northern Mexico, we implored the President to apply to the Mexican situation his own splendid declaration on the Canal-tolls Repeal Bill, to wit:

> The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood.

That his attitude towards Mexico was "everywhere questioned and misunderstood" we demonstrated conclusively by copious citations from the leading journals of the United States, Great Britain, France, Germany, Russia, Spain, Italy, Argentina, Brazil, Chili, Peru, Colombia and Mexico herself. "To speak plainly, Mr. President," we concluded, "the feeling is growing stronger daily that your persistence in a course which, in common with everybody else you must know to be wrong, is attributable to no kind of reasoning whatsoever, but to your own stubborn pride,"—an opinion, it may be remarked in passing, more commonly and more strongly held today than ever before. Needless to add, our fervent appeal to the President to "save his party and himself" from the political dilemma in which they now find themselves fell upon ears deafened by a dogged spirit.

Nevertheless, having in mind the excellence of "purpose and object" cited by the President at Shadow Lawn in pitiful extenuation of his "undoubted mistakes," we offered in September, 1915, our best attempt at excuse in these words:

> While it is impossible to withhold from the present Administration primary responsibility for the deplorable and far-reaching consequences of fatuous and futile vacillation, the genesis of the fault must, in all fairness, be accorded due consideration. Nobody has

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ventured, and none now would venture, to question the excellence of President Wilson's intentions. Throughout all of his backing and filling, his repeated intervening without making his interference effectual, his alternating laying and lifting of embargoes, his vague threatenings promptly rendered abortive by assurances that he would not employ force, his subsequent using of the army and navy upon an absurd pretext, only to withdraw them at the moment when a restraining influence was most needed, his petulant defying of public journals which were only performing their duty, his prospective chuckling as the one who laughs last, his cynical abandoning of both Mexicans and Americans to their fate because, forsooth, Europeans also were spilling blood, his strident pledging to leave the tortured country alone and to compel all others to do likewise, only to resume meddling as soon as a disfavored faction seemed likely to gain ascendancy—throughout all of these turnings, twistings and incredibly inconsistent doings there has never arisen a doubt of the sincerity of his purpose to "serve Mexico" and to "serve mankind."

The crux of the President's blundering is to be found in his misconception of his own functions. Impressed by his unprecedentedly quick elevation from a college professorship to the most exalted political position on earth, convinced of the popularity of the hazy theories whose fascinating articulation had charmed the people, flushed by his success in subordinating a co-ordinate branch of the Government to his will, isolated and feared, he unconsciously but inevitably assumed the attitude of one divinely appointed to conserve humanity in new and striking ways—and forgot for the moment that he was a quite fallible and far from omnipotent being, who in reality had only been elected President of the United States, charged with the performance of certain official tasks specifically defined by fundamental law.

But the end was not yet. The Columbus raid took place on March 9 and the President promptly ordered a "punitive expedition" of our soldiers into Mexico "for the single purpose of taking the bandit Villa." On March 18 the following telegraphic communication appeared in the New York *Sun*:

To the Editor of the Sun—*Sir*: Has Washington gone crazy? Can it be possible, as reported here, that the President has sent a paltry force of only 5,000 ill-equipped and unsupported soldiers on a wild-bandit chase into a hornet's nest of gringo haters, ten times their number and ten times as well supplied with machine guns and ammunition, without safeguarding a line of communication in case of need of retreat? Not so long ago we were bidden to trust the amiable Villa, who at Juarez sat at the feet of our chief of staff, acting as

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personal representative of the Commander-in-Chief, and obediently studied the usages of civilized warfare, only later at Columbus to return with marked effect a few of the millions of bullets which we had supplied to him, as our ally in the President's war upon Huerta.

Now we are told to place faith in the no less gentle Carranza, who has held nominal authority by flouting, deriding and defying our Government at every turn, and who cannot reverse his policy without inviting deposition or assassination. We do not have to heed this Executive adjuration any more than we have to be neutral in our thoughts; but our soldiers do. Carranza and his army may spare their lives, or may cut off and surround them. They soon will be at the mercy perhaps of the relentless First Chief, but none the less subject to the passions of his horde of hostile and savage men.

This mad adventure is nothing less than a bid for the massacre of American soldiers. Can nothing be done to stop it?

GEORGE HARVEY.

Aiken, S. C., March 17.

Precisely as foreseen, the Carranza bandits treacherously attacked our men first at Parral and later at Carrizal, where the assault, ordered by Carranza himself, became in fact a "massacre of American soldiers," resulting in the murder of several officers and the virtual annihilation of two troops. Whereupon, referring to the above communication, we again addressed the President through the *Sun* as follows:

Apparently nothing could be done; in any case nothing was done; hence the ambush and massacre of American soldiers at Carrizal. But that may not be all; indeed, there is a strong probability that it is only the beginning. General Pershing's purpose in sending out a troop is evident. It was not a foolhardy act; it was necessary. He was obliged to find out whether his line of communication was intact; whether his command was being cut off and surrounded. And having no scouting aeroplanes there was but one thing to do, namely, to acquire requisite information, conformably to military tenets, for the safeguarding of an entire command, even though a troop be sacrificed in the process.

And now what? The actual situation is unchanged. Our soldiers are still confronted or surrounded by "ten times their number and ten times as well supplied with machine guns and ammunition," and the demonstrated unpreparedness of both the War Department and National Guard indicates conclusively that no adequate support can be furnished for weeks to come. The gringo haters are elated by the success of their treacherous assault, fully equipped and supremely confident.

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The Pershing command is in imminent peril. There is but one thing to do in simple justice to our soldiers and regardless of their wishes.

Withdraw our troops from Mexico!

This was on June 26. Two months later General Funston, despairing of results from the foolhardy expedition and distressed by the unnecessary hardships of his soldiers, officially advised withdrawal of the troops, but the fact was carefully withheld from the public. When the information leaked out the President, "apparently angered" by the disclosures, according to the Washington dispatches, ordered an investigation. "The telegram," continued the press account, "was not intended for publication. Both President Wilson and officers of the State Department intended to conceal it, partly because it conflicted with the information which the War Department was giving out for public consumption and partly because it exposed the fact that the retention of Gen. Pershing's command in Mexico had no military significance, but was purely for political reasons dictated by the White House."

Meanwhile the situation continues unchanged from the date of our second protest with nothing accomplished. Six months have elapsed since General Pershing was ordered to attempt the impossible, scores of our soldiers have been killed and others captured have been sent back naked or in rags, Villa is recruiting a fresh force about sixty miles north of the place where he was last buried, our suffering and humiliated troops are still held in constant peril, as a football of politics, in a long, thin line across the desert and an overtaxed people is called upon to pay $100,000,000 to meet the exigency of a Presidential year, while a putative Joint Commission sits occasionally and sails intermittently under a tacit obligation to do nothing and to get nowhere before election day.

What has happened—and we instance this frankly in justification of our own pleading protestations from the beginning—is set forth by Secretary Lansing in these words:

The Government of the United States has viewed with deep concern and increasing disappointment the progress of the revolution in Mexico. Continuous bloodshed and disorders have marked its progress. For three years the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sac-

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rificed; vast properties developed by American capital and enterprise have been destroyed or rendered non-productive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, and in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed. During the past nine months in particular, the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits, who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night, American soldiers killed and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and American trains wrecked and plundered.

The attacks on Brownsville, Red House Ferry, Progreso Postoffice and Las Peladas, all occurring during September last, are typical. In these attacks on American territory, Carranzista adherents, and even Carranzista soldiers took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality, but uncivilized acts of mutilation were perpetrated. Representations were made to Gen. Carranza and he was emphatically requested to stop these reprehensible acts in a section which he has long claimed to be under the complete domination of his authority. Notwithstanding these representations and the promise of Gen. Nafarete to prevent attacks along the international boundary, in the following month of October a passenger train was wrecked by bandits and several persons killed 7 miles north of Brownsville, and an attack was made upon United States troops at the same place several days later. Since these attacks leaders of the bandits, well known both to Mexican civil and military authorities as well as to American officers, have been enjoying with impunity the liberty of the towns of northern Mexico. So far has the indifference of the de facto government to these atrocities gone that some of these leaders, as I am advised, have received not only the protection of that Government, but encouragement and aid as well.

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What may yet happen under inexplicably senseless, willful and obdurate guidance God alone knows. But we do insist upon the evidence cited above that this most deplorable and most mortifying occurrence in the annals of American history might and would have been averted by early recognition by Mr. Wilson of the fact, which we tried desperately but vainly to impress upon his mind, that he had been elected President, not of Humanity, but of the United States of America.

Woodrow Wilson was Vice-President of the Civil Service Reform League when elected President of the United States. Because of that fact no less than as a logical consequence of his repeated denunciations of Republican practices, we warned him at the beginning of his Administration of the exceptional danger of permitting a reversion to the spoils system. In December, 1913, we directed his attention particularly to the Bartlett amendment to the Urgency Deficiency Bill revoking the existing regulation which held deputy marshals and deputy collectors within the classified service and noted the frank avowal of its sponsor that the reason for its enactment was his belief that there was "no office, under Democratic administration, that could not be better filled by a Democrat than by a Republican."

Simultaneously we reminded him that his platform had guaranteed that "merit and ability rather than service rendered to a political party" should be heeded in making appointments and of his own promise to his own League to "do what I can to promote those principles in practice." In vain. Despite the obvious fact, which we remarked at the time, that "by a nod of his head" he could have overcome the scant majority of three in the House of Representatives, he signed the Bill upon the specious plea that his "understanding" of the "intent" did not conform to the letter of the law.

This not only opened the door but fastened it back. Secretary Bryan promptly availed himself of the opportunity to debauch the diplomatic service in the interest of "deserving Democrats," Postmaster General Burleson wielded the axe with grace and skill and a hungry majority in Congress did not hesitate to create offices for the sake of filling them. The immigration bill opened a large unclassified service for the enforcement of anti-contract labor laws; the national defense

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bill created unwise preferences in the civil service for those who had served specific terms in the army; the rural credits bill contained a clause exempting from the service all employees of the federal farm loan board, and the shipping bill excepted from competitive examination "the secretary, a clerk to each commissioner, the attorneys, naval architects and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work."

If now the Republicans—and notably Mr. Hughes, whose own record is clear—are enabled to draw effective contrast between Profession and Practice as a consequence of the creation of "30,000 offices outside the civil service law at an annual cost of $44,000,000 to the taxpayers of the country," it is by invitation of the President himself, whose best wishers strove in vain to save him from the embarrassment which was certain to ensue.

Very early in the history of the Administration—i. e., in November, 1913—through a kindly, reminiscent sketch entitled " The Tragedy of the Contentnea," we hinted somewhat pointedly at the congenital deficiencies of Josephus Daniels as the administrative head of a great department. Inasmuch, however, as there appeared at the time no sign of pressing need of exceptional ability in that particular position and since tradition accords to every ruler a clown, we did not feel constrained to make serious protest until April, 1915, when the highest efficiency on the part of a Secretary of the Navy had become essential as a direct consequence of the great war.

We then reviewed with great particularity the extraordinary antics of " The Rt. Hon. Sir Josephus, N. C. B.," only to reach the irresistible conclusions that "if he has done a single useful act, barring his boasted saving at the spigot while wasting at the bung-hole, the instance has yet to be revealed"; that, "if he has failed to utilize an opportunity to discredit both the Department and the Administration, the omission is not apparent"; and, finally, that "of all the Secretaries of the Navy from Benjamin Stoddert to George von L. Meyer he has proved himself the least competent "; and to " contemplate with dismay the probability of being compelled to meet in 1916 the cry: *' A vote for Wilson is a vote for Daniels.'* "

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Unfortunately the President not only failed to appreciate and profit from, but openly resented this earnest endeavor to aid him in relieving his Administration of an incubus which from no conceivable viewpoint it should have felt compelled to bear. On the contrary, by way of response, he ostentatiously heralded his pet dolt as the one member of his Cabinet whom he particularly admired and with whom he was accustomed to "consult in intimate fashion."

Clearly, if Mr. Wilson's canvass now suffers in the estimation of advocates of True Preparedness from distrust of the capacity and sincerity of his Secretary of the Navy, the fact must be attributed to this odd discrimination made in a moment of petulance at friendly counsel.

In common with a large majority of the American people, we regarded the President's conduct of international affairs during the first few months of the great war as altogether admirable. Barring his rather absurd injunction to his countrymen to be "neutral in their thoughts" while a mighty battle for civilization was raging, his counsels were uniformly wise, prudent and conformable to our best traditions. We had then and have now no accordance with those who insist that we were in duty bound to protest against the invasion of Belgium. To our mind, Mr. Roosevelt defined our correct attitude with rare exactness when he wrote in the *Outlook* of September 23, 1914, as follows:

> We have not the smallest responsibility for what has befallen her (Belgium.) . . . . Sympathy (with Belgium) is compatible with full acknowledgment of the unwisdom of our uttering a single word of official protest unless we are prepared to make that protest effective; and only the clearest and most urgent national duty would ever justify us in deviating from our rule of neutrality and non-interference. . . . . A deputation of Belgians has arrived in this country to invoke our assistance in the time of their dreadful need. What action our Government can or will take I know not. It has been announced that no action can be taken which will interfere with our entire neutrality. It is certainly eminently desirable that we should remain entirely neutral, and nothing but urgent need would warrant breaking our neutrality and taking sides one way or the other.

The circumstance that Mr. Roosevelt has since advanced a contrary opinion in no wise affects the accuracy of his first judgment. Nor can the imagination conceive a less tenable proposition than that of his venerably militant

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friend, Grandbrother Lyman Abbott, who solemnly declared the other day that "as soon as there was adequate reason to believe that Germany meant to violate Belgium's neutrality, I should like quietly and informally to have caused the German Government to understand that to do so would be to alienate the sympathies of the American people." The absurdity of this bit of hindsight is to be found in the simple fact that the German army was half way across Belgium before the "adequate reason" for protest appeared.

But, alas, our indeterminate policy with respect to Mexico had borne bitter fruit; Germany's disdain of our "firm" but impotent notes was manifested at every turn; outrage followed outrage in quick succession; and when, after three full months, the assassination of more than a hundred American passengers on the *Lusitania* continued unexpiated, clearly further forbearance had ceased to be a virtue. Then—in August, 1915—for the first time we urged upon the President the pressing need of convincing the German Government that they could no longer pursue their contemptuous course with impunity. These were our words:

> Following the lead of our President, we have acted more than justly; while he was showing, as he should have shown, the utmost consideration, we have proved our patience, our long suffering, our sincere devotion to peace. But we can go no further along a road which leads nowhere; nor can our guide, if he would keep the faith; a new way, an effective way, must be found to uphold the dignity and maintain the honor of the Republic. Reasoning has proved futile, pleading has been spurned; no course is left but to *suit the action to the word.* There is no question of an "ultimatum"; every American Note has contained the ultimatum that our rights and the rights of all neutrals are inviolable and must be recognized in theory and in practice. If, as we foresee, no adequate response shall be forthcoming *immediately* to our latest demand, but one thing will remain to be done. We can no longer humiliate our envoys by compelling them to represent in other capitals a Power which defies and derides their own country. We can no longer retain in Berlin an Ambassador personating a national sovereignty which is contemned by the Imperial Government to which he is accredited. We can no longer extend our hospitality to the obnoxious Minister of a disdainful Prince. We can no longer recognize in any way a Power which by its own deliberate, flagrant and sinful practices has constituted itself an outlaw among nations.

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Seven months later the Administration, driven by public opinion enraged by the sinking of the *Sussex,* made the very demand which we had urged it to make in August—and compliance was quickly forthcoming. "A great diplomatic triumph" was duly heralded from Washington. But, oh, the lives that were lost that might have been saved during those seven long months but for hesitation and dilatoriness in the face of a fact as certain in August as it was in March!

So we might continue in recapitulation of minor as well as of major suggestions and criticisms embodying suggestions respectfully but frankly submitted to the Administration by THE NORTH AMERICAN REVIEW during the past three years. It is for our readers to determine whether the heeding of some or of all of them would have left the President in a stronger position from which to confound his adversaries and to solicit the approval of the country in this, his day of judgment. If the answer be in the affirmative, we may perhaps be pardoned for noting a fresh exemplification of the truth of the famous maxim of Solomon contained in the Book of Proverbs, xxvii, 6.

II. *"BY THEIR FRUITS—"*

True it is beyond question, as declared by the President in his eloquently confident speech of acceptance, that "there is no means of judging the future except by assessing the past" and that "the test is contained in the record." Patrick Henry uttered a like dictum in yet more thrilling phrase upon an occasion hardly less noteworthy. But it is not needful for us who have followed zestfully the course of the Administration to review in detail its mingled long-goings and shortcomings. We know that it has been intermittently both straight and tortuous. We know wherein the Administration has succeeded and wherein it has failed in what we must regard as its honest endeavor to render real and enduring public service. We could, if we would, strike a balance, but to little purpose at the beginning of a momentous epoch bristling with new problems.

The question of rewards, in a practical or even a patriotic sense, is not involved. Mr. Hughes would be the last to intimate that he has not received full compensation in money and in honors for the faithful performance of his duties as a member of our highest judicial tribunal and Mr. Wilson

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has yet to qualify as an expert upon the proverbial ingratitude of Republics. Each seems more than willing to accept the bounty allotted by his country in return for the arduous labors which confront a President from the fourth of March, 1917, to the third of March, 1921. It is for the party of the second part, technically designated as the United States, to choose, without regard to past services, the one who seems most able and most likely to conserve its own best interests, along with the lives, the liberties and the happy pursuits of its citizens.

The record which constitutes the test of the present incumbent may safely be left for analytical elucidation to the candidates themselves and their partisans. Already Mr. Hughes has made his attack and Mr. Wilson has indicated his line of defense. That the President should instance with pride and gratification the enactment of an admirable Currency law is both natural and proper. It stands forth clearly as his greatest and most durable achievement. While undoubtedly there is much in the claim of the opposition that the genesis of the measure was in the system originally proposed by Mr. Aldrich and that the Bill itself was unworkable until perfected by Republican Senators, whose knowledge of finance was not limited to their salaries, the fact cannot be gainsaid that the actual accomplishment was that of a Democratic Congress under masterful dictation. Whether or to what extent the mere existence of the statute, not then in operation, served from its moral effect to avert a panic at the beginning of the war is immaterial. The vital point is that the great measure now stands as a sure safeguard of the common weal for all time to come.

Even more praiseworthy from the standpoint of our national honor was the repeal of the exemption clause of the Canal-tolls law. Quite as truly as the Federal Reserve Act constitutes the main material benefit wrought by the Administration does this attainment betoken its chief glory. Why in the Democratic campaign book of 480 pages it is allotted only a dozen lines of furtive reference and why the President made no mention of it whatever in his speech of acceptance can only be imagined. True, its enactment involved the violation of a specific party pledge, but it hardly seems that this mere circumstance should have weighed in consideration of the eight other equally solemn promises

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which we cited in the August number of this REVIEW as having been ruthlessly broken. But political exigencies may not be ignored and we would not wantonly harass sensitive souls in these gray days of annoying misapprehension of bejeweled inconsistencies.

It is not surprising under the circumstances that the President should make only casual reference to the revision of the tariff effected during the early days of his Administration. And yet it was a notable performance, carried out in strict—we nearly said rare—conformity with the Democratic pledge. True, the new Bill was not as well balanced as that passed by the House of Representatives in 1910, and the only clause accredited to the insistence of the President, against the protests of Mr. Underwood and this REVIEW, was the one, since repealed, which cut off $50,000,000 of revenue from the tax upon sugar.

Nevertheless it was a fairly good low-tariff Bill and, when the time came to sign it, the President gave a party and made a neat little speech, celebrating the realization of an ambition which had possessed him since he was knee-high to a grasshopper to strike off the shackles which for a hundred years had prevented the industrial development of America. He used a new gold pen in signing the Bill, but whether he presented it to somebody or retained it for service in approving the recently enacted measures which create a Tariff Commission for further revision, adopt Protection for Protection's sake and replace the shackles upon trading in dyestuffs, we cannot recall. In any case, it was a perfectly good pen and should be accorded a conspicuous place in the archives of Democracy.

And so continues, "with no disposition to boast" and yet with ill-concealed satisfaction, "this extraordinary recital" of deeds done,—Rural Credits; Exemption of Labor Unions from legal prosecution; the Seamen's Act which, some say, cripples American shipping; Government ownership of ships for the encouragement of competition by private concerns; Regulation of working conditions throughout the Union, without regard to local requirements or desires; and the like,—altogether constituting a record which may well indeed "astonish" Democrats of the old school until they learn that it is all a part of coming "very near to carrying out the platform of the *Progressive* party."

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Herein, from a political standpoint, we find the crux of the President's appeal to the country,—signifying nothing else than frank abandonment of traditional Democratic doctrine and, in the words of Henry Watterson, espousal of "Wilson Democracy in succession to Jeffersonian Democracy"; in consequence of which "the *Courier-Journal* is giving the Wilson candidacy but a qualified support, reserving to itself the right in the event of his election to decline responsibility for what may follow and to oppose such of his policies and assumptions as it may not approve."

And Thomas Riley Marshall, candidate for Vice-President, with characteristic artlessness, officially ratifies the abrupt relinquishment by promising to follow in the footsteps of "Woodrow Wilson, who has not walked where the path has led, but who has walked where there was no path and who has left a trail," adding apparently by way of premonition that "we can mourn more sincerely if we be named in the will but, whether a legatee or not, the thing to do first is to bury the corpse."

But enough! The record as a record does not interest us. Again and finally we consign it to the partisan wranglers for unstinted glorification on the one hand and for merciless dissection on the other.

III. *THE LIVING ISSUES*

It is neither the past nor the present, but the immediate future, that should hold first place in the minds of American citizens at this critical time. Whether it was the President, the Kaiser or the good Lord who kept us out of war is of little moment. The seeming fact that whatever likelihood there may have been of our being drawn into the great conflict no longer exists suffices present needs. Only the most insane partisan would venture to suggest a possibility of either Mr. Wilson or Mr. Hughes inciting or inviting war with any European or Asiatic Power. The two vital questions to be answered at the polls one month hence are: Which of the two great parties at this particular juncture in our progress as a Nation, is the better equipped and the more likely to render the highest public service? and, Which of the two designated leaders is the more certain to "preserve, protect and defend" the Constitution of the United States?

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Brushing aside, as well we may at such a time, all minor considerations, we find the overpowering issues to be:

1. Military and Industrial Preparedness.
2. Government by and for the People.
3. National honor and opportunity.

Credit for the provision of military enlargement may fairly be apportioned evenly between the united opposition which, under the invigorating championship of Mr. Roosevelt, aroused a public sentiment which Mr. Wilson could not afford to ignore and the converted Administration itself, which finally, after losing two precious years, coerced a reluctant Congress into actual performance. Adequate funds have been provided at last and the programme adopted is pronounced satisfactory. But the mere appropriation of large sums of money does not suffice. The question now is one of celerity and efficiency in construction.

Could Josephus Daniels build a great navy in the shortest possible time if he would? And would he if he could? These are the pregnant queries which rise inevitably in all thoughtful minds at a time when speed and skill are the prime requisites. That both must be answered decisively in the negative is, we believe, the universal judgment. Mr. Daniels has always been and in his heart is today opposed to adequate provision for defense. He has done everything in his power to prevent such provision from being made, never once failing, until driven recently into line by public opinion, to reduce estimates, to pigeon-hole or distort official recommendations and to cripple the service by arrogating to himself the power to make innumerable regulations petty in themselves but productive of infinite harm. He nodded sagely, when, sitting in the gallery of the House of Representatives, less than two years ago, he heard his chief declare mistakenly, as since confessed by both words and deeds, that "we have not been negligent of national defense," and he gloried in the President's sneering statement, since belied for political purposes, that "we shall not alter our attitude because some among us are nervous and excited." Simultaneously—i. e., in December, 1914—he himself in his official report was denouncing "this mad rivalry in construction" as constituting "a burden too heavy for any nation to bear." Meanwhile he was skimping in all directions and pottering away precious time. Not only has work not yet begun on two battleships authorized on March

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3, 1915, but there is grave doubt whether the one allotted to the Mare Island yard can ever be sent to sea unless a new channel be dredged at a cost of $4,000,000 to accommodate a vessel of such draft and tonnage.

Recurring, then, to our queries, we answer that Mr. Daniels has neither the skill nor the will to expend effectively the great sums of money to be drawn from the people by their express command for immediate protection. Once let him realize on November 7 that he is fixed irrevocably in authority for another four years, quick reversion to his early and real predilections will follow, obstacle will be piled upon obstacle, delay will succeed delay, our first line of defense, already gravely impaired, will be shattered and the navy itself, from the highest active admiral to the humblest sailor, will raise hands to high Heaven in disgust and despair.

Worst and most sinister of all is the provision in the new Bill which changes promotion by seniority to promotion by selection. That the new method is preferable to that which prevailed under the unpopular Plucking Board we can readily believe. That it would prove advantageous, moreover, under the direction of a capable, honorable and unbiased Secretary, is quite probable. But when one recalls the gross favoritism practiced during the past three years, the persistent demoting and humiliating of officers universally recognized as the most competent in the navy, the constant punishing of those impelled by a sense of duty to their country to speak the truth, the lying about Admiral Fiske's recommendations and the repeated gratifying of personal grudges, the mere contemplation of Josephus Daniels being vested with this tremendous power incites a feeling little short of horror.

And yet here we are, giving of our incomes in unstinted measure to insure the protection of our homes in the face of this virtual certainty in the event of Mr. Wilson's reelection. Mr. Daniels continues to be consulted "in intimate fashion"; so far as known, he still holds his chief's "confidence and admiration"; he was the President's representative in St. Louis, his spokesman in Maine and his apologist for the result; Mr. Wilson's vindication at the polls would be *his* vindication and the reward of retention could not be denied him after the country had rendered its verdict with full knowledge that—

"A vote for Wilson is a vote for Daniels."

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Despite the surpassing mental and moral excellence of the new Secretary of War as contrasted with his colleague, the army situation is even more discouraging than that of the navy. While it is well within the range of possibility that the President could have obtained more promising legislation if he had stood squarely by his pledge to Secretary Garrison, there is much to be said in extenuation of his abrupt reversal of position. Undeniably the Democratic majority in Congress was more strongly opposed to the Continental Army plan than to any proposal theretofore enforced upon them by the Executive. It is indeed doubtful whether their acknowledged leader, the unjustly abused Mr. Hay, even if he had been willing to make the attempt, could have fetched them into line. If the President, instead of twisting and squirming and vainly trying to becloud the issue to save his face as Master, had frankly admitted that he was unable to secure what he thought was best and must perforce accept what he could get, the country would have held him, if not his party, blameless. But the fateful "compromise" followed and the outcome was the inevitable hodgepodge, whose sole merit is a trifling theoretical increase in the Regular Army, which has not yet been and seems not likely soon to be realized.

The plain fact is that the amorphous scheme of "federalizing the militia" has already proved abortive. It is hardly conceivable that even the huge sums of money allotted to the State organizations, only to be squandered in profligate fashion, as indicated by the records of previous expenditures under the Dick bill, submitted with telling force by Senator Borah, could have produced so much as a semblance of success. But if anything were needed to affix the finality of failure at the very outset, it quickly appeared in the blundering of the War Department's call to arms, which convinced every guardsman sent to the border that he had been tricked into an enlistment which he had never intended to make. The immediate effect is already seen in the impossibility of filling militia companies, and the ultimate outcome, in all probability, will be the doom of the very National Guard which the ill-fated measure was designed to exalt and perpetuate.

Here, then, beyond question to our mind, as the direct consequence of bootless muddling, is the most difficult problem confronting the incoming Administration. And yet,

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if all the advantage of adequate appropriations already obtained is not to be sacrificed and all hope of True Preparedness is not to be abandoned, it must be solved. Who can do it? Not a Democratic Congress surely, and not a Democratic President, both of whom are committed to the present abortion and would undoubtedly insist upon a long period of futile trying-out. The Republican party has at least the vantage of a clean slate, freedom of action, immunity from prejudice against real federalization of armed forces and the declared opposition of Mr. Hughes to the existing makeshift.

We would not dream of classing the present Secretary of War, or anybody else, for that matter, with Josephus Daniels. Moreover, we have a high opinion of Mr. Baker's intellectual and administrative qualifications and are convinced of his openness of mind. Already, we are informed, he frankly avows his error in depicting, prior to his appointment, the officers of the army as "a bunch of snobs" and now acknowledges with pride his admiration of the most loyal and most faithful of men passionately devoted to their country. But Mr. Baker is a pronounced Pacifist and, as such, so far as is known, is no less strongly "opposed to the agitation for Preparedness" than when he refused to co-operate with the National Security League. So, too, at bottom, is the Democratic party, whose only enthusiastic cheers in St. Louis were for sentiments to that effect expressed by Mr. Glynn and Mr. Bryan. Where the President himself will stand when these lines shall appear we cannot say. At this writing,—but no, that was yesterday.

It all resolves to this: Whether one approves or disapproves of the huge expenditures provided for National Defense, the appropriations have been made, and the only question now is, Who can utilize the resources in hand to the greatest advantage of the country in obtaining the quickest and most effectual results? The Republicans who are sincere in their advocacy of Preparedness or the Democrats who are not? The question seems to answer itself.

While some—not including ourselves—may agree with the President that we are "not interested in the causes" of the great conflict now being waged for human liberty and personal freedom, none can have the hardihood to deny that we are most deeply concerned in the industrial war-

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fare that is bound to follow. Already, following the Paris conference initiated by England, the Allies are formulating plans, not merely for mutual trade intercourse, but to possess the markets of the world. Ostensibly the far-reaching scheme being formulated is, in the succinct words of the London Chamber of Commerce, "for regulating, by tariff and otherwise, trade relations with all enemy countries so as to render impossible a return to pre-war conditions and for stimulating the development of home manufactures and consequent increased employment of native labor;" but while only "enemy countries" are referred to, it is an open secret that neutral nations are to be placed in the same category. No hint of reciprocity except between the Allied Powers themselves appears in the proposals and no doubt exists of their intent to abrogate all "favored-nation" treaties which conflict with their purpose to bind their material interests together with hooks of steel. Competition, especially American competition, is to be barred to the limit of possibility by the Allies and no less surely, in mere self defense, by the Central Powers, to the end that the United States shall be "isolated" as completely as the President himself when an international problem presses for solution. In a word, the world proposes to pay its debts to America at the end of the war, not in money, but in products manufactured at low cost of labor with the greater efficiency developed by military training.

What this may mean to American manufacturers, to American workingmen and even to American farmers, is so patent that explication is quite unnecessary. The Democratic party recognized the imminence of the menace when, flatly abrogating its established policy, it created a Tariff Commission to "study every economic fact that may throw light on changing conditions," with a view to increasing the duties now prevailing under "the best tariff law ever enacted" and constructing schedules based, not upon revenue needs, but upon conditions of production and competition at home and abroad; and when the President, completely reversing his previous position as defined in his letter to ex-Governor Cox of Ohio and in his sarcastic boasting at Indianapolis of having "put one over" on the Republicans, supplemented in his speech of acceptance the declaration of his own platform with the sage observation that "we can no longer indulge our traditional provincialism," Mr.

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Hughes, meanwhile, is really convincing in his insistence that the only way to meet Protection is with Protection.

The pressing question is, Which of the two parties is the better equipped to meet the situation? And we fear there can be but one answer. Seven of the fourteen Democratic members of the present Committee on Ways and Means hail from North Carolina, Tennessee, Texas, Georgia, Missouri, Arkansas and Mississippi; former Chairman Underwood, a revenue-tariff man of moderate views, has been succeeded by Claude Kitchin, a free trader; and the manufacturing States of New York, New Jersey, Pennsylvania, Connecticut and Massachusetts have in a Mr. Conry, of Tammany Hall, their sole spokesman and representative. It is no disparagement of these Southern gentlemen to say that their unfamiliarity with the mighty industrial affairs of this great manufacturing region which few, if any of them, have even visited disqualifies them for intelligent handling upon broad and effective lines of the critical situation which is being thrust upon us. Moreover, the traditions and prejudices of all save a very few of Democratic Senators and Congressmen are so strongly opposed to Protection as "robbery of the many for the benefit of a few" that it was with the greatest reluctance that they passed even a ridiculously ineffectual "anti-dumping" law. While tacitly conceding the need of protective measures, they have only pecked at the problem for political purposes, without attempting in any serious way to effect a solution. Again we are driven to the practical conclusion that true Industrial Preparedness, in common with true Military Preparedness, can be attained only through its sincere advocates and consistent friends.

IV. *GOVERNMENT FOR AND BY THE PEOPLE*

Since Fort Sumter was fired upon there has been no such assault upon the right of the American people to rule themselves as that of the four Brotherhoods at Washington in August of the present year. Then, as in '61, government by a majority for the whole people was openly threatened by a self-constituted oligarchy. And the cases are not dissimilar. Fifty-five years ago the Union was confronted by the grim spectres of Secession and Segregation. Last month it was the Union, backed to the wall, but with this difference

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in result: Anderson resisted to the limit of endurance; Wilson yielded without a struggle.

The way was paved for the blackmailing of the Nation by the President himself, at the instigation of Mr. Samuel Gompers, at the very beginning of his Administration, when he approved what he himself pronounced an "unjustifiable" provision forbidding the use of certain specific funds in the prosecution of labor organizations for breaking the law. And the exemption was made direct and complete by the President's own Clayton Act, which expressly provided that no such organizations should "be held or construed to be illegal combinations or conspiracies in restraint of trade under the anti-trust laws." But for the existence of this invidiously discriminatory Act the Brotherhoods would not have dared to invite the criminal prosecution provided for all other offenders. Sheltered by it, they only bided their time until the eve of a Presidential election and then held the gun of calamity at the head of the Nation. They did not so seriously menace the railway companies, which had only revenues to lose and properties to damage; they threatened the people, all of the helpless and unoffending people in every city and hamlet in the land, with hunger or starvation unless within a fortnight the Government should impose upon their employers, under the specious and false guise of an "eight-hour day" which they themselves would not accept, an increase of twenty-five per cent in wages.

The President, having intervened unavailingly, recounted the proceedings in his address to Congress. Although the matter had "been agitated for more than a year," there had arisen "a sudden crisis" and "the country had been caught unprovided with any practical means of enforcing" arbitration, "by whose fault" he would "not now stop to inquire." The railway companies were not only willing to accept but voluntarily "proposed that the demands of the men be submitted in their entirety to arbitration," but "the men absolutely declined arbitration" and a strike had been ordered for September 4.

Personally he would "yield to no man in firm adherence, alike of conviction and of purpose, to the principle of arbitration," but he said no word in criticism of the Brotherhoods for rejecting the principle and paradoxically rebuked the companies for declining a settlement which, in his judgment, they would ultimately "be obliged to accept by concerted

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action of organized labor backed by the favorable judgment of society " and which " would engage all the forces of justice, public and private, on their side to take care of the events," i.e., to increase the freight rates, " for which, of course, the public would pay." To this end he besought the " explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates " and " immediate provision for the enlargement of the Commission," ostensibly to facilitate its work but really to enable him to pack the court.

Four parties to the proposed settlement were involved: the railway companies, the labor unions and the shippers, represented by their respective officials, and the people, represented by their President. And it was he, the President of the United States, who deliberately proposed the mulcting of the great body of his own constituency, the millions of low-paid workingmen, farmers, professional men, teachers, clerks, saleswomen and toilers in sweatshops no less than the well-to-do, in the interest, not even of a class, but of a class within a class, comprising four hundred thousand voters, without cost to the companies or to the shippers who were to comprise the other parties to the conspiracy. " The public," sententiously remarked Mr. A. B. Garretson, President of the Brotherhood of Railroad Conductors, " is the carcass and we all perhaps are the vultures," and Woodrow Wilson, President of the United States, by his act indorsed the cynical assertion.

The terrorized Democratic Congress blanched and wavered. " Wholly aside," wrote the trustworthy correspondent of the *Evening Post*, " from the veiled accusations that the espousal of the Brotherhood side of the railroad controversy by the President was premeditated, that the whole conflict was staged to take place on the eve of a Presidential election, that the statement of Samuel Gompers, president of of the American Federation of Labor, on Labor Day, asking labor to support this Administration at the coming election, is corroborative evidence that the men knew in advance what to expect, the fact remains that Congress as a whole was dazed by the political possibilities. The fact that only two Democrats in each House voted against the bills, despite the feeling in their ranks shown by the private expressions of Democratic Congressmen, . . . plainly indicates that the rank and file did not relish the job. There was no time

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for them to canvass the sentiment in their districts except as expressed in telegrams received by them from a small part of their constituencies. They simply figured out the equation on the basis of votes and concluded that, in view of the support of the President, they could best take a chance on the silent majority."

But time was up! In the gallery sat the four representatives of four hundred thousand voters, holding their watches; in his office, telephone receiver at his ear, was Mr. Gompers, eager to keep his compact to urge Mr. Wilson's re-election; at Shadow Lawn, the President himself, smiling and confident, awaited the flash from Washington which should enable him to say, as he did say, "It is the climax of a very happy day,"—the first day and, God grant it be, the last, on which the stigma of betrayal of the Republic by its chosen President and Congress can be affixed by history.

It was not a question of an eight-hour day, as disingenuously suggested by the President and proclaimed by him as a thing decreed by "society." It was nothing more and nothing less, as the courageous Senator from Georgia, Thomas W. Hardwick, speaking for himself and for Senator James P. Clarke of Arkansas and Representatives Henry J. Steele of Pennsylvania and Eugene Black of Texas, the four Democrats—all honor to their names!—who proved themselves patriots, than "a demand as to wages." And it was a demand backed by the guns of highwaymen and supported by the Chief Magistrate of the Nation. Senator Hardwick continued:

> We are notified that we must pass certain legislation or commerce and industry and business in this country will halt. We are notified that we must require these railroads to make certain concessions or the very life of the Republic will be imperiled. So that we are shaping our law, not so much to meet the presidential approval in this case, not so much to invite the smile at the other end of the Avenue, as we are shaping our law, literally under force, under duress, under compulsion, in order to keep these highly organized workingmen from absolutely tying up the business and commerce and industry of the Republic. If the railroads of this country had assumed any such position as that, we would not have listened to them one single minute. We would have acted so swiftly, so drastically, so thoroughly, that before 24 hours we would have wiped them off the map, as far as it could be done by legislation. And yet it seems that in the face of this situation, confronted by this dilemma, we are utterly helpless. We must enact, not the legislation that our judgment approves, not

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the legislation that our wills, our consciences, our minds as legislators and our self-respect as representatives of 100,000,000 people tell us is wise and necessary to meet the situation now and permanently, but we must enact such legislation, forsooth, as is necessary in order to avert the strike, and to avert it right away! In other words, we must pay the price, not out of the Public Treasury, nor yet out of the railroad treasuries, but out of the pockets of the people whose representatives we are, and without their consent, certainly without consulting them. It may be, Mr. President, that a failure to enact proper legislation along these lines before this has rendered us for the moment helpless. It may be that we are forced to bow in sullen submission to demands of this character.

But if so, speaking for himself, his head would be "bowed in impotent shame to think that there are any interests in this country outside of the public interests, outside of all the people, outside of the will and interest and wishes of a majority of the American people, that can force the American Congress to legislate on any subject or on any line."

Because seventy craven Republican Representatives also threw up their hands, apologists for the betrayal—by their very plea confessing the Democratic fault—urge that it was a "non-partisan" performance. The conclusive response is that if the entire seventy had voted against the Bill the result would have been the same, that every Republican Senator except the nondescript La Follette opposed it and that a majority party which claims credit for good laws cannot escape the responsiblity for bad ones.

But "what would Hughes have done?" What did he do when as Governor of New York he was confronted by a like situation—when the Legislature, truckling to the populistic spirit of the time, enacted a two-cent railway fare law, precisely as the Wilson-Adamson wage-increase measure was passed, without investigation or consideration of its justice? He vetoed the bill and said:

The passage of the bill was not preceded by legislative investigation or suitable inquiry under the authority of the State. Nor is the fixing of this rate predicated on reports of statistics officially collated which would permit a fair conclusion as to the justice of its operation with reference to the railroads within its purview. It plainly reflects dissatisfaction with existing conditions and an effort to provide a remedy through arbitrary action. I do not mean to be understood as saying that a maximum 2-cent passenger rate would be unreasonably low. It might be high enough in many cases. Possibly it would be high enough in all cases. I fully appreciate the fact

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that those who have promoted this bill believe that such a rate would be fair. But I deem it most important that the policy of dealing with matters of this sort arbitrarily, by legislative rule of general application without reference to the demands of justice in particular cases, should be condemned. Every workingman, every tradesman, and every citizen believing himself to have aught at stake in the prosperity of the country, should determinedly oppose it. For it not only threatens the stability of business enterprise which makes our prosperity possible, but it substitutes unreason for sound judgment, the ill-considered demands of resentment for the spirit of fair play, and makes impossible patient and honorable effort to correct abuses.

And when word of the surrender of the President and Congress reached him in Nashville immediately following the climax of President Wilson's "happy day," taking no time for consideration or consultation regarding political consequences, he uttered before a hostile audience these plain, blunt words:

I believe in, and I stand here firmly for the principle of, arbitrating all industrial disputes, and I would not surrender it to anybody in the country. I believe that anything that is right in this country can be settled right. What is our great republican government? What are our free institutions? We have come down the long course of history with the people fighting slowly, slowly—now with defeat and now with victory—for a recognition of the reign of reason instead of the reign of tyranny and force.

Now, then, I stand for two things:—First, for the principle of fair, impartial, thorough, candid arbitration; second, for legislation on facts according to the necessities of the case; I am opposed to being dictated to either in the Executive department or in Congress by any power on earth before the facts are known and in the absence of the facts.

We have a great country and a great future. But it can only be preserved in one way. That way is the way of all honest, fair investigation and candid treatment. Show me the way that is right and I will take it, but I won't take any way that I do not know anything about.

"I would rather be beaten for President a thousand times," he has since said, "than ignore or attempt to evade such an issue involving the very existence of popular government or seem to acquiesce for one moment in such action as that taken in Washington."

He might have added, as he did say publicly when told that his veto of the two-cent fare Bill would lose thousands of votes:

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If our education and our training mean anything, they mean that, while we are rigorous in insisting upon the performance of the public duty, we shall be equally rigorous in the demand for justice to all, and will not allow administration to be perverted, even to so-called popular ends, even at the risk of loss of votes, if, in fact, the proposal is unsound and unjust.

What Hughes "would have done" or what he will do if occasion shall arise ought now to be clear because—and this fact should be borne constantly in mind—*Hughes* always *means* what he *says*.

Proof of this statement is to be found in the record. When renominated for Governor in 1909, Governor Hughes promised that "every measure proposed on behalf of labor" should have "serious and sympathetic consideration" because "the welfare of the toiling masses is of the deepest concern to all." And when his work was ended the recognized organ of the State Federation of Labor said:

Now that Governor Hughes has retired from politics and ascended to a place on the highest judicial tribunal in the world, the fact can be acknowledged without hurting anybody's political feelings, that he was the greatest friend of labor laws that ever occupied the Governor's chair at Albany. During his two terms he has signed 56 labor laws, including among them the best labor laws ever enacted in this or any other State.

It is not only probable but a virtual certainty that, if as President Mr. Hughes had been confronted by the Brotherhoods' demand last month, he would have responded with full consistency in words like these:

I sympathize with the just demands of Labor. Personally, I believe in an eight-hour day. But you admit that this is a matter, not of hours of labor, but of wages, which cannot be fairly determined without full investigation. Moreover, arbitration is a principle which I am bound to uphold. I will appoint an impartial commission of arbitration, to which the railroad managers consent to bring their claims. If you refuse to arbitrate, I will publish a brief statement of our negotiations. Then you can strike, if you deem it wise, just and patriotic. As President of the United States, I will not act and will not urge Congress to act, under threat or duress. In the midst of a campaign for my re-election, I will not allow you, or anyone else to put me in a position where I can be suspected of subverting the laws and law-making of the nation for the sake of winning votes for myself.

That is what Hughes "would have done," instead of

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stridently declaring that he would "yield to no man in firm adherence to the principle of arbitration" while actually yielding in practice at that very moment to four men,—and there would have been no strike. Justice would have been rendered by an impartial tribunal and the honor and majesty of the Nation would have been preserved.

Why did not President Wilson pursue this clear, straightforward, honorable course? Who can answer? Despite the facts that Mr. Wilson ignored the resolution submitted to him by the United States Chamber of Commerce early in July asking for an investigation by the Interstate Commerce Commission, that Mr. Adamson, the author of the Bill, simultaneously assured the House of Representatives that there would "be no walkout," and that the heads of the Brotherhoods announced mysteriously as long ago as April that they had arranged to do "a certain thing" at a certain time which would spell certain victory, and that Mr. Gompers evinced peculiar confidence throughout the whole procedure, we refuse absolutely to believe that a President of the United States could ever have been a party to such a conspiracy as has been suggested and is still suspected by many.

There is, however, one phase of this situation which cannot be ignored. The constitutionality of both the exemption clause of the Clayton Act and the hastily enacted new law which in effect fixes wages, seriously questioned by the ablest lawyers in and out of Congress, is yet to be determined by the Supreme Court. For more than a hundred years this great tribunal has held the full faith of the people as the ultimate bulwark of their liberties under the law and to this day it has justified that confidence while interpreting legal first principles as expressed by the written Constitution. Obviously if it is to continue to perform faithfully this highest of functions the character and quality of its membership must not be impaired.

The circumstance, then, that four of the nine Justices, including the Chief Justice, now serving will, during the next four years, attain the advanced ages of 72, 76, 78 and 80, cannot be disregarded, especially since three have already passed and the fourth will soon reach the age of voluntary retirement. It is indeed highly probable that, having already appointed three members, President Wilson, if re-elected, will before 1921 have named an actual majority of the great Court.

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Surely here is ground for grave concern. Again we are driven to the necessity of recalling the dicta of Mr. Wilson that "judges of necessity belong to their own generation," that "the atmosphere of opinion cannot be shut out of their court rooms" and that they should prove themselves able "to discriminate between the opinion of the moment and the opinion of the age"; and of "assessing the past" in "judging the future." Of the two Justices, then, recently appointed by the President in furtherance of this theory Mr. Clarke, according to the Springfield *Republican*, an earnest supporter of the Administration, stands "revealed by his antecedents in the profession of the law and in public affairs as decidedly a progessive or a radical" and was designated because the President "says the highest court must have a contingent that is not of the pre-eminently conservative class of lawyers,"—"and," adds the *Republican*, "it may be that the fact has political bearing at this particular time," meaning, in plain words, that Mr. Wilson was trying to inveigle Progressive votes by appointing Mr. Clarke a Justice of the Supreme Court.

A yet more striking indication of the President's determination to select Justices who would be responsive to "opinion of the moment"—his own presumably or that of Society—is afforded by the appointment of Mr. Brandeis. So strong, indeed, was his resolution in this instance that he placed upon the Supreme Bench one whom he had rejected as a candidate for a position in his Cabinet and whose professional reputation was not without blemish. It may appear ungracious to recount the history of a happening which one would only too willingly forget now, when the event is past recall, but clearly no observance of courtesy should be permitted to weigh against the shedding of light upon probabilities of the future in a matter so vital as that under consideration. Twelve charges brought against Mr. Brandeis before the Judiciary Committee were reported to the Senate by a minority of distinguished lawyers as having been established by the evidence, to wit:

1. That while representing the public side of a vital question he surreptitiously betrayed the public interest.

2. That after having served a client, as he claimed, in the public interest, he denounced the very contracts which he had upheld, in the interest of a competitor.

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3. That he professed to act for the public while in the pay of individuals.

4. That he prosecuted a proceeding in bankruptcy against a former client, alleging as an offense the making of an assignment which he himself had advised.

5. That he accepted a private fee of $25,000 in the Ballinger case while pretending to act in the public interest without compensation.

6. That for a long time he collected fees from two clients whose interests were diametrically opposed.

7. That he falsely denied having undertaken to obtain proxies to control the Illinois Central railroad.

8. That he prosecuted the New England railroad in the name of hired dummy plaintiffs in a successful attempt to secure control for his real client.

9. That after having prosecuted the Equitable Assurance Society in the public interest he filed a sworn answer for the Society denying performance of the very wrongful acts with which he had charged it.

10. That while professing to act in the merger case in the public interest he accepted for his firm a fee of $25,000 from an individual.

11. That he served as a paid lobbyist.

12. That he appeared before committees of Congress urging legislation against chain-store combinations and simultaneously accepted a fee from such a combination to convince the Department of Justice that the promoters should not be prosecuted, when already the district attorney had decided that prosecution would not be justified.

This report was signed by Senators Clark, Nelson, Dillingham, Sutherland, Brandegee, Borah, Cummins and Works and contained the evidence upon which the following protest was filed before the Committee:

The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States.

(Signed) William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, Moorfield Storey (each a former President of the American Bar Association).

The extenuating plea has been advanced that the President could not have been aware of the facts when he appointed Mr. Brandeis, but such was not the case. Writing to Senator Culberson, he said:

I myself looked into them [the charges] three years ago when I desired to [but did not] make Mr. Brandeis a member of my Cabinet, and found that they proceeded for the most part from those who hated Mr. Brandeis because he had refused to be serviceable to them

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in the promotion of their own selfish interests and from those whom they had prejudiced and misled.

Thus, while tacitly admitting, or at least not denying, the truth of the accusations, he sheltered himself behind an unsupported attack upon the motives of the most distinguished lawyers in America and persisted in demanding and finally obtaining from a subservient partisan majority confirmation of the appointment, in order, we must assume, to preserve in the court room an "atmosphere of opinion," regardless of the probity of the Court.

That the President's confidence in Mr. Justice Brandeis's fidelity to the New Freedom in jurisprudence is not misplaced, is evidenced by their mutual friend, Mr. Norman Hapgood, who is quoted by the Woodrow Wilson Independence League to this effect:

> Of course, as a Justice of the Supreme Court Mr. Brandeis will not discuss the matter publicly, but his friends know his strong opinion that an extremely respectable man like Hughes, honest, fearless and efficient, can do more to give life to the old Republican system of privilege than any other candidate they could have chosen.
>
> Mr. Justice Brandeis looks upon Mr. Hughes as a most sincere and excellent man, but in no sense progressive, and this opinion is based on a study of Mr. Hughes's action during many years, covering the insurance recommendations [with which, as noted above, Mr. Brandeis, as attorney for both sides, was familiar] and his record as Governor of New York.
>
> Justice Brandeis thinks, on the other hand, that the President has raised and clarified the whole tone of public life.

There seems to be left little room for doubt that Mr. Justice Brandeis may be relied upon to forsake the course marked with what has commonly been regarded as no little distinction by Mr. Justice Hughes in interpreting fundamental law and to follow the lead of President Wilson in translating into statutes the personally presumed decrees of Society.

The whole problem of labor legislation, wage regulation and judicial interpretation is still in abeyance. Whether it can be resolved the more fairly, justly and satisfactorily to all concerned, particularly the Labor Unions themselves and the great army of unorganized workingmen, by Mr. Wilson or by Mr. Hughes is a question which, in common with the vital query respecting the future composition of the Supreme

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Court, must be answered at the polls. That Mr. Hughes would jealously safeguard the character of the great tribunal in which he, as a former and illustrious member, must feel a sense of pride and gratification, may, we think, be safely assumed. And there we stop.

V. *FOR PRESIDENT*

To the living issues thus outlined to the best of our ability must be added another: National honor and opportunity. We shall not recount the many episodes of the past three years which have flushed the cheeks of our countrymen with shame and humiliation. It suffices to say in bitter truth that no longer can an American stand erect before any tribunal in the world, as Paul stood before Pilate, and declare with pride and confidence his citizenship. Not only has the protection of the flag been officially withdrawn from those who have crossed the border line, but the flag itself has been wantonly desecrated over and over again without incurring the swift retribution which invariably hitherto from the beginning of the Republic has been visited upon offenders. It remains only to note the futility even of hope that the policy of pusillanimity initiated by itself may be reversed by this Administration and to herald with gratification and gratitude the dependable assurance of Mr. Hughes that he stands with no less steadfastness for American rights abroad than for equal rights at home. And here again we assert, indeed, we cannot reiterate too frequently or too significantly—what every American knows and what every foreigner will quickly learn,—that *Hughes* always *means* what he *says*.

President Wilson voices the spirit of America when he craves for our Government an opportunity to render unselfish service to mankind by helping to re-establish peace throughout the world. "We," he says truly, are the natural and logical "mediating nation" and it behooves us to "get ready to help both sides when the struggle is over" since, as he inquires, "Is it not likely that the warring nations will some day turn to us for cooler assessment of the elements engaged?" And, while granting his premises as of ordinary times, the certain answer is, Not while he is President.

It is no disparagement of Mr. Wilson to say (whatever

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may be thought of his unenviable position at home) that he has no friends abroad. But even though his misfortune be one of uncontrollable circumstance rather than of wavering ineptitude, the fact exists and must be reckoned with, that in all Europe he is the one most mistrusted and contemned of men, whose tender of aid in the name of justice, fairness and humanity would be rejected unanimously with derision and scorn.

As a purely practical matter, then, if we would indeed serve mankind, we may not disregard the vital consideration that the way of opportunity is barred to Mr. Wilson and is wide open to Mr. Hughes, who in consequence of his previous immolation stands alone among our public men as uncommitted and unsuspected and who is known to the outside world only as a great and just Judge versed in the affairs of nations and alive to the needs of humankind.

Such are the living issues as we perceive them. Of the personal attributes and characteristics of the respective candidates it is not necessary now and may not become necessary at all to speak, further than to say plainly that the utter absence of self-seeking on the part of Mr. Hughes throughout his entire career confirms the belief that he does in fact, from the very nature of his being, stand for *America* first, while no less surely and most disappointingly the happenings of the past two years, culminating in the betrayal of his country for the gratification of personal ambition, prove incontestably that Mr. Wilson stands for *Wilson* first.

There is no need to seek a conclusion. It finds itself. Upon the clearly marked issues and as between the candidates, there is no reason why any professed Republican, any thoughtful Progressive or any principled Democrat *should not* and every reason why every patriotic American *should,* vote—

FOR PRESIDENT

CHARLES EVANS HUGHES

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SEA RIGHTS AND SEA POWER: THE BRITISH EMBARGO

EDWARD S. CORWIN

Two pre-eminent developments of international law of the last century have found, if not origin, yet indispensable support in Rousseau's dogma, that wars are affairs of governments and not of peoples. It is not surprising then that both these have gone down in a war so entirely belying this idea as the present one. The developments I refer to are, first, the extension of the rules which have for their purpose the mitigation of the severities of warfare on land, particularly along the line of the differentiation of combatants from non-combatants; and secondly, the extension and clarification of the rules which are meant to guarantee neutral trading rights on the high seas. The first of these developments attained culmination in the Hague Convention of 1907; the other, in the Declaration of London of three years later: both have succumbed in the present war, the one to the German idea of *Schrecklichkeit;* the other to British naval policy. Nor is this more than the commencement of the story, for the justification which each belligerent party has shaped for its favorite obliquity infers the permanent prostration of international law before a sufficiently pressing belligerent interest. Thus, German apologists frankly urge the theory of *Kriegsraison,* which, in the expressive phrase of Clausewitz, must always be "the secret worm" eating away the timbers of the legal edifice. English apologists, on the other hand, true to the instinct of the Anglo-Saxon for "legal hypocrisies," seek today to represent their nation's infractions of some of the most vital concepts of the law of nations as vindication and fulfillment thereof, and in so doing, whether of intention or not, dexterously convert a present emergency into an opportunity for the

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permanent aggrandizement of sea power at the expense of sea rights, since it is apparent that if the argument which has finally been formulated for British naval policy prevails, international law will have been remade, not merely for the present war but for an indefinite future.

British naval policy touching the trading rights of neutrals has gone through several phases since the outbreak of hostilities. At first the British Government professed anxiety to carry on war in general conformity with the Declaration of London, which in fact the British Executive had already accepted though Parliament had refused the legislation necessary to carry out the engagement thus contracted. Finding this idea disadvantageous the Government next had recourse to a considerable extension of the contraband list and to the detention on a large scale of neutral vessels headed for German, Dutch and Scandinavian ports, for the pretended purpose of ascertaining if they were carrying contraband. At the same time, by decreeing that goods consigned " to order " by way of such ports should be conclusively presumed to be intended for the use of an enemy government, it took a long step toward eliminating the distinction between goods " absolutely " contraband and goods " conditionally " contraband—a journey since completed. Meantime, early in February, 1915, the German Government proclaimed a " war zone " about the British Isles and began to make war on the seas in a fashion outraging not only international law but the humane sensibilities of neutrals. As after the invasion of Belgium, the British Government now found itself presented with an opportunity to undertake on high moral grounds what it would undoubtedly have undertaken sooner or later on grounds of policy, namely, to proclaim an embargo upon all neutral trade with Germany, which was done by the Order in Council of March 11, 1915. Since this date the development of British policy has taken place mainly in the field of apologetics. The original argument for the embargo was that it was justified as a measure of reprisal to which, on account of the nature of Germany's infractions of international law, neutrals were morally obliged to assent. But very early Downing Street began to endeavor to assimilate the Order in Council to recognized rules of international law, and especially the doctrine of "ultimate destination." Finally, by the Order in Council of July 7 last, new teeth have been inserted in the

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embargo at the same time that its legal regularity has been most confidently reaffirmed.

Mr. Asquith's announcement of the embargo on March 1, 1915, was couched in the following terms:

> The British and French Governments will hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation. . . . That, Sir, is our reply. . . . Now, the committee [of the Whole House] will have observed, from the statement I have just read out of the retaliatory measures we propose to adopt, the words "blockade" and "contraband" and other technical terms of international law do not occur, and advisedly so. In dealing with our opponent, who has openly repudiated all the restraints both of law and humanity, we are not going to allow our efforts to be strangled in a net work of juridical niceties. We do not intend to put into operation any measures which we do not think to be effective, and I need not say we shall carefully avoid any measures which violate the rules either of humanity or of honesty. Subject to these two conditions, I say to our enemy—I say it on behalf of the Government, and I hope on behalf of the House of Commons—that under existing conditions there is no form of economic pressure to which we do not consider ourselves entitled to resort. If as a consequence neutrals suffer inconvenience or loss of trade, we regret it, but we beg them to remember that this phase of the war was not initiated by us. We do not propose either to assassinate their seamen or to destroy their goods, and what we are doing we do solely in self-defense.

In a speech widely circulated in this country through the indefatigable agency of Sir Gilbert Parker some months after the institution of the embargo, Mr. Balfour extends and develops the Premier's argument. "Those," he urges, "who will consent to consider the present case on its merits will, I think, be persuaded that the policy of the Allies has a conclusive *moral* justification." Thereupon, however, he proceeds to convert this supposed *moral* justification into a species of *legal* one, on the warrant of the following propositions: 1. International law consists of two sorts of rules, one of which embody ethical considerations, the other of which do not. 2. When of two enemies one violates the former sort, the other is entitled in retaliation to violate the latter sort. 3. neutrals, being equally responsible with belligerents for the future development of international law, are bound to assent to such acts of retaliation.

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This argument has conspicuous weaknesses. For one thing, neutrals have never recognized the obligation which Mr. Balfour would foist upon them, of coming to the defense of what he terms "international morality," save when their own rights have been involved in a violation thereof. For another thing, the distinction which he offers between "the rights of humanity" and "the merely technical" rights which international law safeguards is one impossible to maintain in the midst of the allowable severities of war. Indeed, even the relative harshness of two different acts, both illegal, will not necessarily determine the full course of a neutral's duty to itself, since a subtle perversion of the rules of international law may in the long run be actually more destructive of the lives of neutral subjects than a crime of sheer brutality like the sinking of the *Lusitania*. But the most fatal weakness of all of the argument of reprisal was the impermanence it postulated for the measures it defended. For let Germany abandon her threatened illegal courses, and what would become of Great Britain's moral justification? The question was the more pressing in that British sentiment, while treating Germany's menaces with derision, clearly expected the projected act of reprisal to become a decisive factor of the War.

But another consideration also was cogent in determining the British Government to defend its prohibition of neutral commerce with Germany as legally regular. As we have seen, Mr. Asquith explained his Government's failure to use the terms "blockade" and "contraband" as due to its desire not to see its measures "strangled in a network of juridical niceties." He seemed thus to imply that, had these terms been used, British prize courts would have been free to adjudicate cases arising under the Order in Council in conformity with the law of blockade and contraband. Accordingly, an influential section of the American press of pro-Ally tendency began demanding that the British Government should "frankly" characterize the measures which the Premier's statement had foreshadowed, as measures of "blockade." In Sir Edward Grey's note of March 15, replying to the American protest of ten days earlier against the proposed course of action as one "previously unknown to international law," this demand is met. "His Majesty's Government," Sir Edward wrote, "have felt most reluctant at the moment of initiating *a policy of blockade* to exact

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from neutral ships all the penalties attaching to a breach of blockade. They restrict their claim to the stopping of cargoes destined for or coming from the enemy's territory." Thus measures which it was at first conceded would infract the ordinary rights of neutrals are finally presented as making concession to those rights! But at any rate, the tone thus taken proved effective in conciliating the pro-Ally American press, which has ever since treated the embargo as regular, albeit the Order in Council still lacks the term "blockade."

The case in law against the British embargo is summed up in the statement that the embargo at once falls short of the legal tests of a blockade and transcends them. It does the former because Great Britain has not yet succeeded in blockading the German Baltic ports against Scandinavian traders, while it is a fundamental requirement of a blockade that it operate impartially upon all neutrals.

This objection to the embargo the British Government and its spokesmen have sought to meet in various ways. Practically, it has endeavored to establish a real blockade of the German Baltic ports by means of submarines but has thus far failed in the effort. In its answer of July 23, 1915, to the American note of the previous March 30 it entirely ignores the argument based on the discriminatory character of the embargo. Mr. Balfour, in the speech just quoted from, is less evasive but not more convincing. "The 'discrimination,'" he asserts, "(if it is to be so described) is not the result of a deliberate policy but of a geographical accident." It may be conceded that the primary intention of the British embargo is to injure Britain's enemies and that the injury resulting to neutrals is incidental merely; but so it ever was in cases of this sort. Besides, as Mr. Balfour himself concedes, the injury in question *is* "a result"; and it is *results* which the law governs—not motives. Then as to "geographical accidents"—the position of any state on the map "is a geographical accident"; yet it is to govern the relations springing from such "geographical accidents" precisely that international law exists. Indeed, it is difficult to see why Mr. Balfour's argument does not give Germany license to justify her invasion of Belgium by pleading that Belgium's position on the map is a "geographical accident."

Finally, in his long delayed reply of April 24 of this year

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to the American note of November 5 last, Sir Edward Grey devotes a passing word to the discriminatory feature of the embargo, thus:

> Even if these measures were judged with strict reference to the rules applicable to blockade, a standard by which in their view, the measures of the Allies ought not to be judged, it must be remembered that the passage of commerce to a blockaded area across a land frontier or across an inland sea has never been held to interfere with the effectiveness of a blockade.

The argument is entirely beside the point, since the question at issue is not of the *effectiveness* of the embargo but of its *partiality*. Nor can one accept the idea that the embargo should not be strictly tested by international law merely because, as Sir Edward suavely urges, Great Britain does not exercise the rigor she might in connection with a legitimate blockade—in other words, if she were acting within the law instead of in contravention of it! And the description of the Baltic, whose waters wash the shores of five nations, as "an inland sea," seems a trifle far-fetched, to say the least. Yet were it a German fish-pond, the fact would only serve to put Scandinavian ports in the same category with the Dutch ports as ports of entry to Germany.

We are thus brought to the really fundamental objection to the embargo—its inhibition of neutral commerce with Germany through neutral ports and waters. This feature of the Order in Council does in fact transgress some of the best defined securities of neutral rights, and that in the most remarkable and far-reaching fashion. In endeavoring to stop the neutral carriage of innocent goods passing to and from Germany through neutral ports England, in the first place, transcends the legal definition of "blockade," which in the language whereby the Declaration of London simply sums up all authority upon the subject, "must be limited to the ports and coasts belonging to or occupied by the enemy";* in the second place, abolishes the fundamental distinction made by international law between "innocent" goods and goods "absolutely contraband"; and in the third place, abrogates the second article of the Declaration of Paris, which decrees

* Mr. Asquith himself, in the very speech in which he proposed reprisals against Germany, ridiculed the idea that Germany had established a blockade of Great Britain, saying: "What is a blockade? A blockade consists in sealing up the war ports of a belligerent against sea-borne traffic, by encircling their coast with an impenetrable ring of ships of war." Parl Debates, LXX, col. 597.

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that enemy goods shall not be subject to capture except when found on an enemy vessel.

We turn to review the arguments by which the British Government seeks to assimilate these extraordinary innovations to the existing fabric of international law. To begin with, Sir Edward Grey is careful to protest against the British measures being described as a "blockade of neutral ports," the phrase used by our State Department. He is of course quite right, for the reason that there can be no such thing. However, the admission is interesting, and fatal to Sir Edward's general argument. For if there can be no stoppage of innocent goods destined for an enemy port unless that port be blockaded, how can there be such a stoppage when the destination is a neutral port which is neither blockaded nor legally liable to blockade? If called on to answer this question Sir Edward would doubtless instance the doctrine of "continuous voyage" or "ultimate destination," which furnishes in fact his principal reliance; but as we shall see in a moment, the answer would be unavailable.

But before considering the bearing of the idea of "continuous voyage" on the general question of the legality of the British embargo, one or two other arguments should be reviewed. In his note of July 23, 1915, Sir Edward, citing an intimation in the American note of March 30 of the readiness of the American Government to take into account "the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated," writes thus: "The only question, then, which can arise in regard to the measures resorted to for the purpose of carrying out a blockade . . . is whether . . . they 'conform to the spirit and principles of the essence of the rules of war.'" The answer to this argument is plain: Whatever latitude be accorded the idea that law undergoes development, yet if there is to be any law at all the idea in question must have certain limitations; and if this is so, where are these limitations to be found if not in established and universally recognized precepts of existing law? *The objection to the British embargo is not merely that it establishes a new kind of interference with commerce but that the kind of interference with commerce which it establishes is definitely and distinctly prohibited by positive rules of international law.* In the same document Sir Edward further implies that the test of

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whether "adaptations of old rules" are allowable or not is furnished by the belligerent interest. This cannot be admitted even for adaptations meant to supply recognized gaps in the law. Far less can it be admitted to the derogation of existing law.

Coming then to the heart of Sir Edward's position, we find him putting his whole case in the following sentence:

> It seems, accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.

Other passages of the note make it clear that the "principles" referred to are those embodied in the doctrine of "continuous voyage" and "ultimate destination" as enforced by the American courts in the Civil War, and especially in the famous case of the *Springbok*, to which in fact Sir Edward makes specific reference.

It may be seriously doubted, I think, whether the doctrine of the *Springbok* case has ever become a part of international law, by which the United States is entitled, whatever may have been its practice as a belligerent, to insist that its rights as a neutral be measured. Referring to the cases of the *Bermuda* and the *Springbok*, the distinguished English authority Hall writes: "The American decisions have been universally reprobated outside the United States and would probably now find no defenders in their own country." It is true that the British member of the commission which passed upon British claims against the United States arising out of the Civil War assented to the Supreme Court's decision in the *Springbok* case, but he may have been influenced thereto by considerations of expediency. Certain it is that in 1908 the British Government, in its instructions to its delegates to the London Conference, rendered an interpretation of this case which amounts to a total rejection of its authority for the law of blockade. The passage in the instructions that is referred to reads: "It is exceedingly doubtful whether the decision of the Supreme Court was in reality meant to cover a case of blockade-running *in which no question of contraband arose*. Certainly, if such was the intention the decision would *pro tanto* be in

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conflict with the practice of the British courts." Finally, several years before this the *Institute de Droit International*, in a report signed by the most eminent English and Continental authorities, had denounced the *Springbok* decision as in contravention of the law of nations and had called upon our Government to repudiate it "at an early opportunity."

Yet suppose we admit the entire validity of this much controverted adjudication and, further, that it dealt only with blockade-running—would it then support the British embargo? No. In the *Springbok* case goods consigned ostensibly to British West Indian ports were seized before they reached their immediate destination and confiscated on the ground that they were intended ultimately to pass an established blockade,—an act penalized by international law. The British Order in Council on the other hand purports to authorize the interception of non-contraband cargoes destined to pass through the unblockaded ports of neutrals, over a land frontier also unblockaded, into the interior of the enemy country,—an entirely innocent act under international law. In both cases the ultimate destination of the goods involved is the enemy country; but in the earlier case the attainment of this destination would have involved a further sea voyage with a breach of blockade at the end, whereas in the present case it involves neither of these incidents, wherefore the goods involved can be validly seized only if they are absolute contraband. In short, as I pointed out before, the British embargo abolishes outright the fundamental distinction between "innocent" goods and goods "absolutely contraband," save as to penalty.

Nor are precedents lacking to emphasize this differentiation of the American case from those arising under the British embargo. Thus there are numerous decisions by the great Lord Stowell, dating from the Napoleonic wars, which establish the proposition that a maritime blockade can have no operation upon the interior communications of a blockaded port, even though such communications take place over the enemy's territory.* How much less then could a maritime blockade of German ports, albeit in all respects regular, operate to prevent shipments through neutral ports and territory to the interior of Germany! And the vast majority of German ports are not blockaded!

* See the *Jonge Pieter*, 4 C. Rob., 79; the *Stert*, *ib.*, 65; the *Ocean*, 3 ib., 297. The first-named is especially in point.

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But it is an American precedent, decided by the same tribunal that decided the *Springbok* case, that really gives the *coup de grace* to the British argument. This is the case of the *Peterhof,* in which the court decreed the confiscation of the contraband portion of a cargo the immediate destination of which was the Mexican port of Matamoras, on the basis of evidence showing its destination to be the enemy forces stationed across the river in the Texas town of Brownsville. The Federal authorities, however, had urged a decree of confiscation covering the *Peterhof's* entire cargo, on the ground that it was destined for the interior of Texas and other States in rebellion and that this interior destination constituted a breach of blockade. The court rejected the argument, saying:

> Such trade, with unrestricted inland commerce between such a port and the enemy's territory, impairs undoubtedly, and very seriously impairs, the value of the blockade of the enemy's coast. But in cases such as those now in judgment we administer the public law of nations and are not at liberty to inquire what is for the particular advantage or disadvantage of our own or another country.

So I repeat again, the Order in Council, in inhibiting neutral commerce with Germany by way of neutral ports, eliminates, as to goods destined to Germany, the distinction between innocent goods and contraband goods, condemning both alike simply because of their enemy destination. And as to goods of German origin which are in process of carriage from neutral ports to neutral ports, the operation of the Order in Council is, if possible, still more exceptionable. By the ancient British-American rule such goods ordinarily belong to consignee and are therefore to be reckoned as neutral property. But were they enemy property they would not, under the Declaration of Paris, be subject to capture on that account unless they were encountered, either on the high seas or in enemy waters, on board an enemy vessel. So extraordinary indeed is this feature of the embargo that Sir Edward Grey has not ventured to defend it, save to hint vaguely that possibly the Declaration of Paris does not apply as between Great Britain and the United States and to assert that goods of the category under discussion are intercepted not in their quality of enemy property but because of their enemy origin. The latter suggestion is obviously irrelevant, since the

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Declaration of Paris does not except goods of enemy origin from its operation; and the former suggestion is absurd. Every writer on public law during the last half century has recognized the Declaration of Paris as one of the pillars of the law of nations; and the United States has fought through two wars in conformity with its provisions.

Lastly, in his note of April 24, Sir Edward recurs once more to the right of reprisal. He writes:

> His Majesty's Government are surprised to notice that the Government of the States seem to regard all measures of retaliation in war as illegal if they should incidentally inflict injury upon neutrals. The advantage which any such principle would give to the determined law-breaker would be so great that His Majesty's Government cannot conceive that it would commend itself to the conscience of mankind. . . . Suppose that a neutral failed to prevent his territory being made use of by one of the belligerents for warlike purposes, could he object to the other belligerent acting in the same way? It would seem that the true view must be that each belligerent is entitled to insist on being allowed to meet his enemy on terms of equal liberty of action. If one of them is allowed to make an attack upon the other regardless of neutral rights, his opponent must be allowed similar latitude in prosecuting the struggle, nor should he in that case be limited to the adoption of measures precisely identical with those of his opponent.

The purport of this passage is somewhat ambiguous. If Sir Edward means merely that a neutral has a responsibility correlative with its rights and cannot, therefore, allow these to be overridden by one belligerent to the disadvantage of the other without showing the latter a like complaisance—unless, of course, it chooses to forfeit its status as neutral—he is quite right; but it is difficult to see how this principle can profit him anything at the present juncture so far as the United States is concerned. For our Government has not permitted Germany's infractions of American rights on the high seas to go unresisted but, on the contrary, has forced their cessation in great part. But England's infractions of our sea rights, undertaken in retaliation against Germany, increase from day to day. The real outcome of Sir Edward's argument so interpreted is, therefore, not the justification of the British embargo but the illumination of America's present duty as a neutral to oppose it.

But Sir Edward's words may mean something far differ-

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ent, namely, the general subordination of neutral rights to the belligerent right of reprisal. It is hardly necessary to say that such a contention must fall of its own weight. Moreover, it is an illogical contention; for what is this right of reprisal but one of the constituents of that right of war against which, in its totality, neutral rights are supposed to be safeguarded? Again, the trend of British decisions is all against the idea that neutral rights must yield place to the right of reprisal. Only the other day the Judicial Committee of the Privy Council thus summarized a decision of Lord Stowell sustaining certain Orders in Council made by way of reprisals for Napoleon's Berlin and Milan Decrees:

> The decision proceeded upon the principle that where there is just cause for retaliation neutrals may by the law of nations be required to submit to inconvenience from the acts of a belligerent Power greater in degree than would be justified had no just cause for retaliation arisen.*

To pass, however, from a right to cause "inconvenience" some degree greater than that ordinarily allowable to a claim of right to proceed "regardless of neutral rights" is clearly to move somewhat briskly. Altogether, I doubt if issue can be legitimately joined with the assertion of our State Department in its second *Lusitania* note, that "a belligerent act of retaliation is *per se* an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal."

And thus much for the main issue between Downing Street and Washington. There is, however, a secondary issue so closely related with the primary one as to demand our attention, and especially in the light shed upon it by the recent decision of the Judicial Committee of the Privy Council in the case of the *Zamora*. One phase of this issue is indicated by Mr. Lansing's challenge, in his note of November 5 last, of the contention of Sir Edward Grey, that the substantive law enforced by the British Prize Court is supplied not by municipal law but by the law of nations as known to that tribunal. The *Zamora* decision supports Sir Edward's contention to this extent: It is decided, and perhaps for the first time, that Orders in Council based merely

* From the Judicial Committee's decision in the case of the *Zamora*. The decision of Lord Stowell's referred to is that in the case of the *Fox*, Edw. 311. To the same effect is decision in the *Lucy*, *ib.*, 122.

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on the royal prerogative cannot overrule or authoritatively interpret international law even on doubtful points. At the same time, it is clearly indicated that an act of Parliament or an Order in Council based thereon would comprise a construction of the law of nations which no British court would be free to traverse.*

This result, however, raises a further question. In his note of April 24th last Sir Edward Grey urges that "in cases where the [British] Prize Court has power to grant relief there is no ground for putting forward claims through the diplomatic channel," at least till a decision has been had,—a doctrine to which their Lordships bring support in their opinion in the *Zamora* case. Granting the proposition to be sound—though it certainly requires important qualification—the question that emerges is whether our Government is thus prevented from protesting the embargo till a judicial decision has been rendered in some case of seizure arising under it. The answer is "no." For one thing, the precedents upon which both their Lordships and Sir Edward rely are, I believe, cases in which the seizures adjudicated had been originally made in alleged exercise of belligerent rights known to international law, whereas the Order in Council establishing the embargo, though defended by the Foreign Office as harmonious with international law, does not itself, as we have seen, make any reference to concepts of that branch of jurisprudence, but is in form and phraseology a mere emanation from municipal authority, which British naval commanders must nonetheless obey on the high seas. But even

* It should be noted in passing that the *Zamora* decision lays to rest Mr. Thomas Gibson Bowles' contention that the British Prize Court would have to decide cases arising under the embargo by the old rule of the *Consulato del Mare*. Mr. Bowles' argument rests on the decision of the Lords in the well-known case of *Queen v. Keyn* (Law Reps., 2 Exchcq. Div., 63), that before any change in the law of nations, as embodied in the precedents, can be recognized by English courts, it must have received formal Parliamentary adoption; and on the fact that the Declaration of Paris has never been ratified by Parliament. But that the rule of *Queen v. Keyn* does not apply—unless, of course, Parliament should so decree—in the case of the Prize Court is clearly indicated by the following passage from their Lordships' decision in the *Zamora* case: "A court which administered international law must ascertain and give effect to a law which was not laid down by any particular state, but originated in the practice and usage long observed by civilized nations in their relations with each other or in express international agreement." I do not understand that Mr. Gibson Bowles denies that England is party to the Declaration of Paris in its quality as an international agreement, or that the royal prerogative is competent so to bind England. But the fact that the Declaration is *an international agreement* makes it, by the *Zamora* decision, law for the Prize Court.

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more important is the consideration that the rule relied upon by Sir Edward applies, by his own statement, only to the sort of cases in which a prize court is able to accord an adequate remedy, that is, specific cases of *private* injury; whereas the injury done the American people by the embargo is one for which prize courts offer no means of reparation. Such an injury is, in Mr. Lansing's words, "the disastrous effect of the methods of the Allied Governments upon the general right of the United States to enjoy its international trade free from unusual and arbitrary limitations imposed by belligerent nations." It is the injury to the trade of the nation as a whole which ensues inevitably from the menace of "its lawful and established pursuit." Such an injury could by no possibility be relieved, or even passed upon, by a prize court.

In short, it is clear that the *Zamora* decision has not altered essentially either the substance or form of the issue between Great Britain and the United States arising out of the embargo. And it is equally apparent that the effect of the decision has not been to cause the British Government to moderate its measures, but rather the reverse. Thus in June occurred the Paris Economic Conference, which formulated a programme looking to the maintenance by the Allies even after peace of semi-war conditions in the sphere of international trade, and involving as its minimal result the consignment to the waste basket of all the "most favored nation" treaties to which the Allies are parties. Next came the publication of the "blacklist," the first fruit of the conference, whereby Great Britain, casting aside the test of domicile for determining enemy character, lists as "enemies" the firms of a friendly state, because, as she charges, they are controlled by "enemy capital," but actually because they have attempted to trade with her enemy,—a thing they would have the right to do, at the risks sanctioned by international law, even if the embargo were a real blockade. Then on July 7 a new Order in Council was adopted finally and frankly abrogating the Declaration of London. To be sure, this order contains the declaration that "it is and always has been" the intention of Great Britain and her Allies "to exercise their belligerent rights at sea in strict accordance with the law of nations"; but alongside this declaration stands a specific ratification of the earlier order, while to

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it are added the following provisions, which, it is decreed, "shall be observed": First, that "the hostile destination required for the condemnation of contraband articles shall be presumed to exist until the contrary is shown, if the goods are consigned . . . to or for a person in territory belonging to or occupied by the enemy,"—a rule which in practice abolishes the distinction between "absolute" and "conditional" contraband and the like of which, when Russia sought to enforce it in the Russo-Japanese War, the English and American Governments protested vehemently and successfully; secondly, that "the principle of continuous voyage or ultimate destination shall be applicable both in cases of contraband and of blockade,"—*that is,* shall be applicable in the sense of merely "enemy destination," regardless of the quality of the goods and whether or not a blockade is infracted; thirdly, that a neutral vessel falsely indicating a neutral destination for the carriage of contraband "shall be liable to capture and condemnation if she is encountered before the end of her next voyage,"—a rule which has some slight support in precedent but is obviously susceptible of great abuse; fourthly, that "a vessel carrying contraband shall be liable to capture and condemnation if the contraband reckoned either by value, weight, volume, or freight, forms more than half the cargo,"—the single provision still retained from the Declaration of London," on account of its favorable character from the belligerent viewpoint. And meantime other infractions of international law continue unabated: the detention of cargoes in port for examination, which was begun with the ostensible purpose of hunting out contraband but has subsequently been found an essential adjunct of the embargo; the interference, with the same end in view, with neutral mails, whereby Great Britain has utterly pulverized the Hague Convention dealing with this matter; the listing of cotton as absolute contraband, which was done partly in order that carriage of this commodity might be visited with severer penalties than those imposed for infraction of the embargo, and partly to enable the Foreign Office to juggle more confusingly with the concept of "enemy destination."

Nor is the whole story told if we confine our attention to the measures of the British Government. For meanwhile the British publicist, casting about for some make-

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weight to Germany's military conquests, will be seen to be elaborating the theory that England has effected a like conquest of the seas, the common heritage of mankind. And the British publicist is quite right. England's conquest is not a territorial conquest precisely: it consists in an entire prostration of the rules that safeguard neutral trading rights. But the practical result is the same. It is not merely that Germany must come to terms with the British fleet ere her own vessels can again take the seas: she must do so before she can have any commercial relations whatsoever overseas; or what is the same thing, before neutrals can have any such relations with her. In other words, the English publicist reckons that, when it comes to making peace, the continued acquiescence of neutrals in the cancellation of their sea rights will furnish England her greatest asset against German military success.

The issue which the British embargo presents our Government at the present moment is this: Are we to resist it effectively and so preserve our trading rights and our neutrality, or are we passively to acquiesce in it and *pro tanto* surrender both these? There may be considerations of policy counseling the latter course, but at least the issue involved should be fully comprehended. It should also be comprehended that to adopt the policy of acquiescence—or rather to persist in it—is to sacrifice the maxim that originally gave rationality to our position as a neutral and the successful enforcement of which would have meant the greatest service, perhaps, that America could at such a crisis have performed in the cause of international peace,—the maxim that international law is not to be changed while war is going on. Finally, the policy of acquiescence raises this query: Do we wish to have sea power permanently enhanced to the extent represented by present British naval policy and the defense made of it by its apologists? The question has to be considered not merely in the light of the possibility of England remaining mistress of the seas but also in that of the contrary possibility.

EDWARD S. CORWIN.

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THE EFFECTS OF ROUMANIA'S DECISION

BY SYDNEY BROOKS

ROUMANIA'S entrance into the war has been described as a turning point. It is not perhaps quite that. The Battle of the Marne was a genuine turning point. It marked the end of the German offensive in the West; the collapse of their original plan of campaign on that front, and the beginning of the siege warfare which has continued ever since. So, too, was the Teutonic failure of a year ago to reach a decision in the East, that is, to capture or destroy the Russian armies or to so exhaust or demoralize Russia as to render her incapable of further action on a great scale. The Battle of Jutland on the other hand was not a turning point. It merely confirmed that supremacy at sea which from the opening of the war has been the basis of all that the Allies have done or attempted. Neither was the British withdrawal from the Dardanelles nor the overrunning of Serbia and Montenegro nor Bulgaria's intervention. The reactions of each and all of those developments are being nullified beneath our eyes at this very moment. In their ultimate significance the historian of the war may attach greater importance to the Austrian failure of last May to break the Italian front and to the German failure to reach Verdun. He will say of these two ventures that they were the desperate sorties of a beleaguered garrison and that their defeat settled the question of the capacity of the encircling lines to hold firm. And he will assuredly give an even higher place in his strategical, his political and his moral valuation of the campaigns of 1916 to the Russian swoop upon Galicia, the forcing by the Italians of the Isonzo front and the Anglo-French offensive on the Somme. Almost simultaneously the Central Powers have shown that they cannot escape from the net that encompasses them, and the Allies have shown that they can draw that net still closer. And so far as it is

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possible to foresee, and even remembering that war is of all human activities the most uncertain, those conditions are permanent and irreversible. The inability of the Central Powers to break out can from now onwards only decrease as the ability of the Allies to break in increases. It is to the demonstration of that momentous fact that the intervention of Roumania is to be ascribed. In other words, it is a sequel rather than a turning point, a consequence of already established conditions and their proof, but not their cause. It underscores with palpable, dramatic and resounding abruptness a result that to the military student had ceased to be in doubt. The Allies are not going to win because Roumania has thrown in her lot with them. On the contrary, Roumania threw in her lot with them because she had convinced herself that they were going to win. Her entrance must hasten and make yet more assured the triumph of the Allies, but its foundations were already well and truly laid. Americans may find a tolerably close parallel in their own political experience. Roumania's part has been exactly that of the cool and locally influential politician who suddenly elects to climb onto the band wagon of a Presidential candidate whose certainty of success, while visible to his expert eyes, is still partially veiled from the multitude and is only universally accepted when he thus publicly stakes his political life upon it.

Roumania herself is one of the shrewdest, most cautious and most aspiring States to be found in Europe. To her late king she owes as much as any nation has ever owed to a single man. Thanks above all to his energy and judgment, the revenues of Roumania in the past three and a half decades have more than quadrupled, her population has risen from five to seven and a half millions, her army has become a powerful and well equipped force, capable of maintaining fully twenty divisions in the field for many months to come; her foreign commerce has expanded until it now amounts to more than $250,000,000 a year, her budgets for the past ten years have yielded unbroken surpluses, her national debt of some $350,000,000, raised without any special guarantees, has been mainly used on reproductive enterprises, such as railways, forests, oil fields and salt mines, and her systematic policy of internal development has been reflected not only in the prosperity of her finances but in the general confidence that she would neither make

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herself, nor allow others to use her as an instrument of aggression. No State carved out of the Ottoman Empire has more completely justified its liberation and autonomy.

Not that Roumania has not some problems and difficulties of her own. She has three very big ones, a land question, a political, electoral and constitutional question, and a Jewish question. When the war broke out she was at last under the leadership of M. Jonescu, one of the ablest statesmen in Europe, on the point of grappling with all three issues. Roumania is a peasant country, about the size of Alabama, ruled by an oligarchy. Eighty per cent. of her people look to the land for a living and have indeed no other source of subsistence. Yet of the total cultivable area nearly one-half is owned by less than five thousand nobles, who despise commerce, are almost all in debt, form perhaps the most harum-scarum aristocracy in Europe, and for the most part farm their estates to Jewish bailiffs who mercilessly squeeze the peasant of his uttermost cent. Hence on the one hand occasional peasant risings, like the jacquerie of 1907, and on the other a sustained fury of anti-Semitism such as is not surpassed even in Russia. The mass of the people plow, sow and reap, but rarely earn enough to provide a competence, have no political power, and are deprived of any chance of becoming independent proprietors. Landed property in Roumania can only be expropriated by the State in three specific cases—for military purposes, for railways and for reasons of public health; and the first beginnings of any real electoral reform would seem to be the passing of a Constitutional amendment permitting the Government to compel the breaking up of the large estates and their redistribution among the masses. As electors the peasants have virtually no political influence whatever and one of the great questions before the war was whether it would be safe to grant such of them as could read and write a direct vote. The Jewish question is less a religious than an economic question. It is the outcry, on one side, of the peasant who finds himself driven to the wall by Jewish dealers, middlemen and bailiffs, men who are not Roumanians in tradition, thought, feeling or by fusion. And on the other side it is the outcry of the Jews themselves who are forbidden to own land and whose rights as citizens, if they have any, do not descend to their children.

But though Roumania is far from having solved either

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her political or her agrarian or her Jewish question, in other directions, and particularly in the nationalization and development of her railways and forests and her deposits of salt and oil, her national well-being has been carefully supervised. And beyond all this her own history has taught her the truth of the Bismarckian dictum that small States which push themselves into questions that should be settled by the Great Powers, or which invite the assistance of a Great Power to attain some end of their own, generally have to pay heavily for their rashness. It has been impossible for her to forget the singularly high-handed, ungrateful and treacherous fashion in which Russia deprived her of Bessarabia after the Russo-Turkish war of 1878. In that struggle Roumania took part very much in the same spirit and with the same expectations as Sardinia under Cavour's prescient leadership entered the Crimean War. She was shamefully repaid. Although her troops saved the honor of Russian arms at Plevna and did much to decide the issue, her only reward was to be despoiled of Bessarabia with its Roumanian population of nearly 1,000,000. Russia suffered for a crime that was also a blunder by finding her influence in the Balkans all but paralyzed for decades. But Roumania sustained a double loss. She lost Bessarabia; she became necessarily anti-Russian and pro-Austrian in her sympathies; and in doing so she forfeited whatever chance there was of securing better treatment for the 3,000,000 Roumanians who inhabit Transylvania under the rule of the Hapsburgs.

The lesson bit deep and Roumani 's foreign policy ever since has been circumspection itself. Though from time to time at odds with both Greece and Bulgaria over the varying aspects of the old Macedonian question, her general influence and conduct throughout the entire field of Balkan and Southeastern politics have been of an eminently pacific and steadying character. She has never been the one to stir up trouble among her neighbors. Only once since her independence was recognized by the Treaty of Berlin in 1878 has she sought territorial aggrandizement. When she joined the Triple Alliance in 1883 it was with the sincere desire to promote the equilibrium of Southeastern Europe and with no intention at all of allowing herself to be exploited either by Vienna or Berlin. One does not usually look for historical accuracy in the manifestoes with which governments

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accompany and seek to justify their declarations of war. But in the admirably dignified and pointed document which was issued at Bucharest on August 27, the Roumanian Government said nothing that was not literally true. "Devoted to the work of her internal reconstruction, and faithful to her firm resolution to remain, in the Lower Danube, an element of order and of equilibrium, Roumania has not ceased to contribute to the maintenance of peace in the Balkans." Can anyone dispute it? or can anyone deny the damning force of her indictment that the spirit of the Triple Alliance had been changed from one of force to one of naked conquest? Twice out of the mouths of their own partners, first by Italy and now by Roumania, have the Central Powers been convicted of having planned and provoked the war which they pretend was thrust upon them. Consider this sentence in the Roumanian proclamation: "Instead of a group of States seeking by common effort to work in agreement to assure peace and the maintenance of the situations created by Treaties, Roumania found herself in presence of Powers making war with the very object of transforming from top to bottom the old arrangements which had served as a basis for their Treaty of Alliance." Or ponder this further and even more vigorous pronouncement: "The work of peace which Roumania, faithful to the spirit of the Triple Alliance, had endeavored to accomplish, has thus been rendered fruitless by those very Powers who were called upon to support and defend it." What is left after this of the legend of German innocence and of the preposterous pretense that the Central Powers are waging a war of self-defense?

To develop such internal strength as would enable her to maintain her hard-won freedom from Turkish rule and safeguard her strictly national rights and interests—this, hitherto, has been the chief aim of Roumania's policy. One might imagine that something of the prudential optimism as well as the valor of the fighters and rulers who under Trajan formed the Roumanian States survives in her people still. History has tested and purified them. For centuries they were the chief bulwark of Christianity and European civilization against the Turks and the Tartars; and today, a virtually homogeneous nationality, girdled around by other Roumanian communities and thus to some extent protected against the direct pressure of hostile Powers, they occupy

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politically, commercially and geographically a position of peculiar strength. Roumania, indeed, has never regarded herself as a Balkan State but rather as the most easterly of the Powers of Europe. As the principal granary of Central Europe, the master of the mouth of the Danube and the sole and efficient policeman of its lower reaches, and lying across the route that links Europe with Asia Minor, her interests have taken a wider sweep than those of the small kingdoms beyond her southern frontiers; and she has consistently sought to win the confidence and good will of Europe rather than to become engulfed in the agitations of Balkan politics. She displayed, it is true, an occasional interest in the fortunes of some of the peoples of Macedonia and Epirus whom she asserted to be Roumanians while Athens claimed them as Greeks; but there was never at any time any very serious purpose behind her fitful propaganda. Her exceedingly calculating policy was well shown during the Balkan wars of 1913. She remained neutral while Bulgaria, Greece and Serbia attacked Turkey and afterwards while they attacked one another; and then, when Bulgaria was thoroughly exhausted, she presented with pistolling peremptoriness a demand for territorial compensation, and enforced it. It was a cold-blooded, ruthless, profitable proceeding that Bismarck himself could hardly have bettered.

Roumania's interests in the present struggle are twofold. In the first place she is anxious not to remain stationary while any of her neighbors, and particularly Bulgaria, adds to its power and territories. A Greater Bulgaria such as for a moment seemed possible and is now forever out of the question, fastened on Roumania's flanks, would be a persistent and intolerable menace to her security. A Greater Serbia emerging from the triumph of the Allies and in close sympathy with Russia might be almost as inconvenient if Russo-Roumanian relations were still strained and if Roumania were no larger and had no more power and authority than today. Nor could the truth of what Venizelos saw and proclaimed eighteen months ago have escaped the sharp eyes of the statesmen of Bucharest—namely, that a German victory would be the death-blow to the free life of the Balkan States. Roumania, therefore, was vitally concerned in preventing any change in the *status quo* that she did not herself share in and benefit by. She could not help perceiving that the changes that were certain

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to follow on a Teutonic victory and the aggrandizement of Bulgaria would be peculiarly fatal to her own development; and she had only to carry the argument one step further to be aware that her interests lay in siding with the Allies. But not in siding with them quixotically, at any cost, against overweighted odds. That is not the Roumanian way. Very sensibly the Government of Bucharest waited until the balance of victory had begun definitely to incline towards the Allies and when all possibility that Roumania might duplicate the experience of Poland, Belgium and Serbia, had passed. Then, with her preparations all complete, she struck.

Probably she would have struck in any case the moment the defeat of the Central Powers had become, humanly speaking, inevitable. But Roumania was urged to a belligerent activity by a racial as well as a political motive, by the promptings of sentiment as well as of self-interest. In her kinsfolk just beyond her borders she finds a cause that links policy with passion. Of the "unredeemed" Roumanians there are, as I have said, 1,000,000 in Bessarabia under Russian rule and 3,000,000 in Transylvania under the rule of the Hungarian Magyars. I do not know whether the terms that have been agreed upon between the Allies and Roumania include the retrocession to her of either the whole or part of Bessarabia. But there can be no question that that act of reparation is justly due to her and that the light which Russia has recently seen on the general subject of local self-government and the reunion of scattered nationalities—witness her memorable pledge to resurrect the ancient State of Poland—makes the necessary renunciation not unthinkable. It is, however, on Transylvania, where 3,000,000 Roumanians are chafed and embittered by the persistent ill-treatment they suffer at the hands of the Magyars, that the eyes of Bucharest are chiefly fixed. It is only very recently, a matter of the last decade or so, that we of Western Europe have come to see the Magyars as they really are. Our fathers regarded them as the victims of Austrian tyranny. They knew nothing of the tyranny they exercised themselves over the races within their borders. But of late years a pitiless publicity has beaten upon the Magyars and the disguise of liberalism and romance with which they deluded the world for half a century, has been pretty effectually penetrated. A dashing, proud and virile people,

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with a thousand years of self-contained history behind them, the Magyars are politically, and especially in their dealings with their alien fellow-subjects, one of the most stupid and ruthless oligarchies that has ever lorded it on the soil of Europe. Indeed we miss something of the significance of this war in thinking and talking of it as an Austro-German war. It is far more a Magyar-German war—and the Magyars, one may add, in the brutality of their intolerance and conceit, are well mated with their Prussian Allies.

There is probably—I say "probably" because the Magyars have a habit of cooking the census returns in their own interests—one Roumanian in Hungary to every two or two and a half Magyars. Yet in the Hungarian Parliament there are only 5 Roumanian representatives to 404 Magyars. Legislation is a Magyar monopoly; there are 13 Magyar pupils in the classical and intermediate schools for every single Roumanian, and over 10,000 Magyar students in the universities and less than 470 Roumanians; in the other educational establishments Magyars predominate in the ratio of from 10 to 1 to 200 to 1; it is clearly, and indeed avowedly, the policy of the ruling race to keep the Roumanians in a state of intellectual degradation and so exclude them from the professions and the ranks of officialdom. Even in the districts where 90 per cent of the inhabitants are Roumanians Magyar is the only language allowed in the law courts, the local government offices and in public notices and proclamations. The higher officials, the judges, the lawyers and the jurymen are practically all Magyars. Electoral districts have been gerrymandered to preserve Magyar supremacy which is further buttressed by the system of *viva voce* voting before a Magyar official. Little, indeed, has been left untried to stamp out in the Roumanians of Hungary all sense of nationality. To all the Roumanians of Roumania, therefore, it is inevitable that the rescue of their kinsmen from the clutches of the Magyars should be a supreme ambition. Roumania stands to Transylvania in precisely the same relation as Italy to the Trentino and Trieste. But in this war of giants there never was any chance that Roumania would be able to repeat the stroke she practised three years ago at the expense of Bulgaria. If she wished to annex Transylvania and incorporate into the Roumanian Kingdom the 3,000,000 Roumanians now under Magyar rule, it was clear from the first that she could not achieve her

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end by presenting a bill of claims when the war was over and demanding compensation. She could only achieve it by taking up arms where her services would be really useful to the Allied cause and before the ultimate destiny of Transylvania had been settled by events in which she had no hand. Those are the stern conditions of the stern times in which we live and Roumania has had the courage and sense to face and accept them. She has bided her time, has waited till her stock of munitions could be brought level with the requirements of the war and till her army could operate in immediate conjunction with the left wing of the Russian forces; and now she has taken the step that had to be taken if the 12,000,000 Roumanians in the Southeast of Europe are ever to be united in a single State.

The value of her adhesion to the cause of the Allies lies on the very face of things. In point of numbers it reinforces the Russian troops that are operating between the Pinsk marshes and the Danube by all but a third—and this at a time when a sorely battered enemy is trenching on the last million of his reserves. It adds some 350 miles to the battle line—and this at a time when all the resources of the Central Powers are stretched to their uttermost to hold their present positions and when except in the West they cannot shorten their lines by a retreat. It throws from fifteen to twenty divisions of fresh effectives, led by trained and mature officers, against the enemy's exposed flank and so renders impossible any such diversion as was employed fifteen months ago to arrest the Russian advance upon the Carpathians—and it does this at a time when Austria-Hungary, reeling under the blows of Italy and Russia, has spent her vitality and is visibly, amid a tumult of distraction and despair, nearing the point of exhaustion. Nor are its effects likely to be of less moment in the Balkan theater. The intervention of Roumania shatters at a blow the dream of a Greater Bulgaria and ruins all the hopes and calculations on the strength of which King Ferdinand was induced to enter the struggle. It encloses the "Old Fox" in a trap of steel. It opens a route by which the Russians can pour into Bulgaria there to chastise with a heavy hand the renegade Slavs of Sofia. The Allied troops—British, French, Italian, Russian and Serbian—that are now based on Salonica are certainly powerful enough in themselves to contain, and probably to conquer, the Bulgarian forces opposed to them. But they

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are now immensely strengthened for all the purposes of their local objective by the help which Roumania or Russia or both can extend to them from the north. The position of Bulgaria is indeed so hopeless that any day may bring the news that she has thrown up the sponge. Whether she does so or not, whether she submits tomorrow or a few weeks hence, matters very little. She has shot her bolt and the days of her usefulness to the Central Powers are numbered. They will leave her to her fate.

But it is after all on Germany that Roumania's decision must react with the most perturbing consequences. Ever since the war began the Central Powers have drawn heavily on the Roumanian stock of corn, cattle, horses, oil and fuel. That avenue of supply is now closed to them. One more gap in the blockade is filled up and the silent disorganizing pressure which the British Navy maintains upon the very vitals of Germany is to that extent increased. But the sharpest and most palpable demonstration of the scope and efficacy of Roumanian intervention will come when the line from Berlin to Constantinople is severed, and with it the last means of communication between Germany and her hapless Bulgarian and Turkish dupes. When that happens it will be an event the importance of which from any standpoint, moral, military or material, can hardly be placed too high; and undoubtedly Roumania's entrance into the war brings it very much nearer. It is very difficult to do more than guess at the inner workings of either the official or the popular mind in Germany just now. But there are good grounds for thinking that the source of much of Germany's confidence in victory is the conviction that she has won for herself by this war a position of unassailable security in the Near East. The proof of that achievement is the Balkan Express which runs twice a week from Antwerp to Constantinople. To all Germans it is the symbol of the Greater Germany that will remain when the war is over, the Greater Germany that is to stretch through the Balkans, to dominate Turkey and convert her Asiatic possessions into a reservoir whence wheat and cotton and oil and metals may flow perpetually into the Fatherland, the Greater Germany which, controlling the Danube from source to mouth and linked up with it by a great development of inland waterways, is to expand right up to the Persian Gulf and constitute so compact and formidable an economic preserve as to be invul-

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nerable to any assault of sea-power. That is the dream that drifts ceaselessly through the German political consciousness, and to make it a reality, to secure the mastery of the highway to the East and with it the reversionary interest in Turkey's Asiatic dominions, there are probably few European sacrifices that the Wilhelmstrasse would not gladly concede. A peace which obliged Germany to evacuate Belgium, Poland and Alsace-Lorraine but which left her in a position to found a yet greater Empire in the Near East would be a peace wholly agreeable to German sentiment. In the past two decades the ambition to rule, directly or indirectly, a single Federation of States from Hamburg to the Persian Gulf has taken an extraordinarily strong hold on the German people. What is more, they believe they have now gone three-fourths of the way towards realizing it; and so long as express trains are regularly running from Antwerp to Constantinople, through the capitals and territories of one vassal State after another, their belief has an air of something more than plausibility. Destroy that belief, capture, cut and hold the line that leads to the empire of their visions, separate them at a stroke from their Allies in Turkey and Bulgaria, bring the whole pack of cards tumbling upon their heads, and you administer to the German people a shock second only in magnitude and disintegrating effects to an incontestable disaster in the field. From the days when the Allies, thanks above all to the prescience and determination of M. Briand, made up their minds to hold on to Salonica, the ultimate rupture of communications between Germany and Bulgaria and Turkey has steadily mounted from a possibility to a certainty. But the adhesion of Roumania both simplifies the task and hastens it. And when it is accomplished the question whether the predominant influence in the Balkans is to be Slav or Teuton will virtually be settled, Turkey's doom will have been pronounced, and the German people will begin at last to see the handwriting on the wall.

The Allies, then, stand to gain much from Roumania's action besides the testimony to their final triumph which her sagacious statesmanship has furnished, besides the moral endorsement of their aims and spirit which is implied in her participation in the war. And the Central Powers and their victims have lost or stand to lose as much or even more. Upon Germany it came as a staggering climax to the

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failures before Verdun and in the Trentino. The world saw its effect at once in the dismissal of General von Falkenhayn and the swift summoning of Marshal von Hindenburg with a plain mission to offset by the magic of his popularity the depressing results of the military "readjustments" which the new situation imposes upon the German Staff. To Austria-Hungary, already demoralized to the point of collapse, the fresh menace from Roumania flew hardly less than a signal of irretrievable ruin. Turkey, repulsed in Egypt, ousted from Armenia, losing if she has not already lost the leadership of the Moslem world, has long since outgrown the exhilaration of her successes at Kut and in the Dardanelles, and now faces with what cheerfulness she may the assured prospect that before very long she will have received her last gun, her last rifle, her last shell, from Germany and will have to fight alone and unaided against a narrowing ring of superior foes. Whatever hope the Bulgarian rulers cherished that they might after all escape the penalties of their treachery and misjudgment was gone when Roumania entered the lists. And to the sole neutral State in South Eastern Europe, to Greece faction-ridden, bewildered, capable of heroic impulses but so long prevented from realizing them in action, Roumania's intervention has supplied the supreme test, the final opportunity. It is no longer a matter of great military solicitude to the Allies whether Greece rises above the morass of fears and divided counsels and pitiable hesitations that for the past two years has all but engulfed her. But there are a hundred reasons of sentiment, of political affinity, of international propriety, and of sympathy with the Greater Greece that might and should emerge from this war, why they should wish to see the differences between King Constantine and M. Venizelos composed and the two leaders who together have done so much for Greece in the past and may do still more in the future working in harmony towards ends that neither can attain alone.

Let me close as I began with the reminder that Roumania's intervention, powerfully as it reinforces the Allies, is to be considered rather as a symbol and consequence than as a cause of the many changes that had already passed upon the Central Powers the verdict of ultimate and inevitable defeat. It is none the less welcome on that account. From the standpoint of the Allies it carries with it, indeed,

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only one and that a small and temporary possibility of mischief. Coming when all expert and civilian opinion in the Allied nations had just reached a definite conviction of victory, there is a bare chance that it may encourage too sanguine anticipations of an early peace and may even mislead neutrals into thinking that the hour for mediation is at any rate dawning. Only disappointment lies in wait for those who hold such views. Germany is still very far from being broken. It will be a long and bloody business before the Allies can impose upon her the terms that will alone satisfy them. But Roumania's action is one more token that it can be done and will be done.

SYDNEY BROOKS.

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THE IRISH NATIONALIST AS PRO-ALLY

BY SHANE LESLIE

THE final Irish attitude to the War is one that cannot be decided by reasons of politics in the United States or of executions in Ireland. That attitude is far-reaching and involves not only the historical relations of the Celtic race to the Teutonic, but the future relations of Ireland to her neighbors, England and France, and eventually, perhaps, the prospect of an alliance between the United States and England. In this light the Celtic question ceases to be merely an antiquarian one.

During the past twenty years an immense amount of research and energy has been thrown into Celtic studies in Great Britain. Of these the Welsh Eistedfod, the Gaelic League and even the Sinn Fein may be considered manifestations. From Germany good scholarship has been directed externally, but the only countries vitally and internally interested are in the Allied group. The sea-divided Celt has his home in Brittany, Cornwall, Wales, Cumberland, the Hebrides and parts of Scotland and Ireland. This is the so-called Celtic fringe, but out of this fringe blood and genius, soul and strength have passed into the stolid Anglo-Saxons and materialistic Franks by intermarriage. There is also a Celtic stratum, difficult to estimate, underlying all Gallic France, which no doubt cemented her eighteenth century entente with Ireland. The British Empire itself would be more scientifically called an Anglo-Celtic one.

In Germany the Celt was obliterated centuries ago, and in Austria is only to be found among exiled families of Irish descent.

To-day the Celt finds himself at war with Germany as a matter of sheer fact, political and geographical. It is im-

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portant to know also whether he is at war with Germany in principle and ideal.

The Irish problem lies largely in the instinctive jarring between a semi-Celtic and a semi-Saxon people. Hence the paradox that the recent rising in Dublin was in one sense more an anti-Teutonic than a pro-German one. The Englishman is a mixture of Celt and Teuton, and has shown traces of the latter in his past dealings with subjects in America as well as in Ireland. To-day the Nietzschean decries him as a degenerate German, a "poor cousin" culturally. The Irish look upon the German as the primitive type of Saxon before he was redeemed by mixture with the Celt.

Let us consider the attitude of the Celt towards the world crisis. His whole strength has been thrown against the Central Powers, whether it comes from Breton sailors, Welsh Fusiliers, Connaught Rangers, Scotch Highlanders, or Cumberland (Cymryland) dalesmen. It is doubtful if a single native speaker of any Celtic dialect is fighting for the Teutonic side, the Irish prisoners having resolutely refused to change their allegiance.

As to principle, if we trace the history of the Celt we are confronted with certain unvarying symptoms.

In the first place, suspicion and hatred towards any system of world domination. This was so in Roman days, and Ireland actually succeeded in staying outside the Caesarian pale. It is only since conciliation days that Ireland has acquiesced in the British combine, and after a struggle of five hundred years to keep out. The failure in imaginative statesmanship at the outbreak of the war to give Ireland autonomy means that a vital problem which might have been settled waits, and unfortunately waits with a vengeance.

Secondly, there is a deep religious feeling, dating from Druidism, which rises against intrusion in affairs of the other world. The Scotch Free Churchman, the Welsh Calvinist, and the Irish Catholic have all declined to accept the State Creed of England. This is the Celtic instinct to refuse anything in the realm of ideas from the State. There is nothing more repulsive to the Celtic soul than the inoculation of German youth by State professors with a cut-and-dried political creed and propaganda regardless of truth and the rights of other peoples. "Live and let live" has

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always been the Celt's line of action or rather non-action. This will account for the extraordinary small amount of European soil left in the hands of the Celts. The Teutonic view has always been that the human being was made for the State, whereas the Celtic view, as it has developed in French and Irish politics, is that the State was made for man.

Thirdly, the Celt has been in perpetual revolt against the logic of fact, the power of militarism, and the ostentation of wealth. The Irish are justly called the "fighting race," but they are not militarists. They have been of the nature of crusaders rather than conquerors. Economically they have been given up by Anglo-Saxons, who have endeavored to teach them the ways of State-regulated orderliness and text-book methods of acquiring wealth.

In the past the Irish have resisted all attempts to impose a typically English culture upon them, just as they would resist to the death any culture that was handed them on the tip of a German bayonet. It has been the same in Wales and in Brittany. It must be admitted that England has given Ireland more chances of realizing her own life and literature than German legislation permits in Poland, which makes a fair analogue with Ireland. On three questions England compares favorably with Germany. They are the questions of religion, land and language. Shortly after England had disestablished her own State church in Ireland, we find Prussia jailing the patriot Polish Cardinal Ledochowski. In more recent times while England has advanced money to enable the Irish peasant to possess Irish land, we find Prussia advancing money for the exact purpose of expatriating the natives of German Poland. At a time that Prussia was penalizing the use of the Polish tongue, England was permitting grants for the revival of Irish. It is just to England to acknowledge this, as it is just to Ireland to admit that these benefits were only won by gigantic agitations. Germany has been guilty today of the worst side of the Tudor system as it once was in Ireland.

The policy of a national hate is about the only common link to be found between the German and Irish peoples. Even so, the Irish hate of England is a relic of religious persecution nobly borne in the past. But the Prussian variety is a State manufacture, offensive not defensive, and far from having a religious basis, for the Prussian seldom

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seems to have had a religion to persecute. Pagan until within sight of the Reformation he became gradually rationalist afterwards.

While recent blundering in Ireland has brought out some of that Celtic dislike of England which the wisest Irish statesmanship had agreed to bury in the past, any Irish-German entente must be regarded as treasonable to small nationalities and unnatural to Celticism. The Irish policy must be decided in Ireland, not America, and by those who keep hearth and holding on the old sod. Even a British envoy like Sir Cecil Spring Rice, who retains hope and home in Ireland, is a better Nationalist from Ireland's point of view than a preacher of "green anarchy" in Chicago. At the outbreak of war Ireland declared herself with the Allies. Only a small, passionate and courageous minority dared to hope for Irish freedom as the paradoxical result of a German victory. This was even more widely held in America, before it was seen that Germany could not help even her declared Allies, much less a distant and mercurial quantity like Ireland. The text of German promises to the Sinn Fein were probably never placed on paper but remained illusionary and unrealizable to the last. But men were drawn by these promises to political action in America and to their lonely death in Ireland.

The result among the Irish has been two-fold. The anti-British outburst, on which Germany seems to have calculated, has taken place, followed on second thoughts by a rather grim suspicion that Germany has not played fair. Germany not unnaturally was pro-German throughout and not pro-Irish, while Casement, who tried to negotiate some agreement between the two peoples, was pro-Irish and not pro-German. Previously in his hectic career Casement had met German methods in Africa and loathed them as he loathed all tyranny. The Germans sought only to use his Quixotism, and allowed him to issue an Imperial promise that in case of invasion Irish Church property would be respected. It was as safe as promising the safety of public buildings in Nova Zembla. What would be interesting to know would be the exact promise made to the Sinn Feiners, who were deluded into believing that after a week a German army would arrive. The Sinn Feiners gave everything and the Germans risked nothing except a tubload of old Russian rifles. The *Deutschland* which might have ren-

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dered real succor was too good to be wasted on "mere Irish." Casement was literally marooned. Friends in America, knowing his qualities and that he was sick at the time, wished that he should be kept in Germany as the Irish envoy till the end of the war. But he was of more service to Germany dead than sick. He was forced on a hopeless errand and there is some reason to believe that he tried to prevent the rising, but was not allowed by his captors to communicate with the Irish leaders. The rest is history. It was not for the Defense of the Realm but to make a Berlin holiday that a dozen dreamers and poets were executed. What Germany planned England completed. There is little wonder that in view of the German betrayal of Casement, John Quinn of New York should write, "How then can any man with a drop of Irish blood in his veins ever again hope for the victory of those betrayers"? There has certainly been a sufficiency of cold water to dash the hot blood in the German-Irish entente, which can only linger now as local politics may obscurely demand. Whatsoever a Teutonic or Anglo-Saxon government sow that shall they reap. The English Government unfortunately allowed dragons' teeth to be sown in Ireland before the war, which sprang up later in armed Sinn Feiners. The German Government gave promises of support as illusionary as the English promise of Home Rule. No Irishman doubts that each Irish execution has been in sweet accord with the disposition of the German General Staff.

The Germans can never reach Ireland except over a defeated fleetless England, but if they did obtain Ireland as a faldstool for the "Admiral of the Atlantic," who can doubt that their treatment of the people would be similar to that meted to the Poles? It is doubtful if the German official mind would recognize the Gaelic speaking, happy-go-lucky, idealistic Celt as a "*Culturvolk.*"

Redmond's position has been excruciatingly difficult. At the outbreak of war he might have declared neutrality as the right of a small nation, but this would have left Ireland in a state of civil strife during the period of the war with the prospect of gaining nothing from the victorious Allies after the war. When Redmond forgot the past and took his stand by the Allies, it was the psychological moment to make him Irish Premier in Dublin. Under a Dublin Parliament the rising would never have taken place. Redmond

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insisted on Ireland's levies being voluntary and not conscriptory. It is his influence and not the menace of the Sinn Fein, as their admirers claim, that keeps conscription out of Ireland.

To look to the future reckoning which doubtless awaits all nations great and small, Redmond can point to the overwhelming thousands who have joined the Allies from Ireland. Ireland cannot afford to be on both sides of a world conflict, especially as she has not yet realized the promissory note due to her for services in the field. That the conscience and consensus of the empire will one day insist on that promise being redeemed there can be no doubt. Meantime, while it is kept dangling, distrust and disunity, pleasing to Germany alone, can only result. Whatever has happened, no Irishman can wish to see Germany victorious over France. Ireland herself can never accept her liberty over the dead body of Belgium, nor become a republic as the French Republic ceases.

The war is one where greater than material stake is at issue. No mere terrestrial gain can be in the purpose of a struggle so gigantic. It is at base not a war for any empire or even wholly on behalf of small nationalities, desirable as it is that Poland, Belgium and Ireland should emerge in a state of protected autonomy at the close, but a war of Idea. A certain idea not unknown before threatens. Another idea dearer to mankind is at stake. It may end in a compromise, but for the moment it is a question whether military Imperialism shall rule the world. The Irish Celt detested England's attempt to destroy the Boer Republics, but he cannot detract from England's entry into the great war. In Celtic eyes England seems to have blundered on to the right side. Though his vision may be obscured by England's lack of sympathy and knowledge in dealing with the Irish Question, opposition to the German Ideal remains instinctive with him. When all has been said, the Irish Nationalist must abide his hour, confident in the justice which the principles underlying the Allied cause must bring him. For the Irish Celt to become a pro-German for reasons more fundamental than the mere political involves a change of soul so radical as to amount to de-Celticisation.

SHANE LESLIE.

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PRESIDENT WILSON'S ADMINISTRATION OF FOREIGN AFFAIRS—II

BY DAVID JAYNE HILL

In March, 1914, when the repeal of the exemption clause of the Panama Canal Act was demanded, it had become evident that the indirect method of intervention in Mexico would not prove successful. The insurgents were looting, murdering, and destroying; but Huerta was still offering a vigorous resistance, was in complete control of the Federal District and many of the States of Mexico, and was receiving additional arms and munitions from Europe through the ports of the country, which were in his possession. The supply of arms from the United States, after the removal of the embargo, had increased the area of anarchy, but had not destroyed the Government in the City of Mexico.

It had now become apparent that, if the insurgents continued to be supplied with means of warfare, the situation would endure a long time; since neither they nor Huerta, unaided, could entirely overcome each other. It was also evident that, if foreign interests were much longer subjected to this exposure, other Powers would be obliged to act. The day of decision had arrived. "Watchful waiting" was fruitless. Something must be done at once.

One thing had been made clear: namely, that, if the United States would assume the task of establishing in its own way a responsible government in Mexico, the foreign Powers would place no obstacle in its path, provided they were assured that the sovereignty of Mexico would be left intact. Of this the attitude of the President, after his dramatic appeal to Congress regarding the Panama Canal Act —which, of course, was never really intended in any way to affect the sovereignty of Mexico—seemed to afford to the foreign Powers all necessary assurance. Obviously, it was

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the overthrow of Huerta, not the acquisition of Mexican territory, at which the Administration at Washington was aiming. To that end, so far as public sentiment would allow, all the resources of the United States must be employed. Foreign suspicion being now allayed, only the consent of the American people was yet to be obtained.

But there was no sufficient justification for an armed attack by the United States upon Huerta's Government. He was protecting the lives and property of Americans wherever his authority extended, and it was in the insurgent zone that outrages upon them were committed. Moreover, the use of the armed forces of the United States against Huerta was sure to be attended with many difficulties. The inaccessibility of his capital, his army of 80,000 men, his vigor and hardihood as a trained warrior, the probability that an invasion of Mexico by land would rally the whole country to his cause—these were no slight impediments to success, even if the foreign Powers were entirely neutral; which, after all, at a critical moment, they might not all prove to be. But the domestic obstacles were also very great. Where were the troops for the invasion of Mexico? Would the country support a real, undisguised war with that republic? And what would be the political effect of a failure? At all events, a war with Mexico would be a long and costly enterprise. A really effective attempt to regenerate the Mexican State was not in the blood of the Administration.

Already the failure of its meddlesome intervention in Mexico had produced humiliation. Huerta did not go, as he was told to do. The Administration had assumed a rôle that it could not play to a finish. Two serious results had already been produced: first, the development of intense bitterness of feeling toward all Americans resident in Mexico; and, second, a disturbed state of confidence throughout Latin-America, regarding the ultimate intentions of the United States. The President's gratuitous declaration, on October 27, 1913, at Mobile, that the United States would "never again seek to add to its domain a foot of territory by conquest," had not only failed to allay the bitterness of Mexicans, but had suggested to suspicious minds the thought that an ostentatious avowal of virtue is sometimes a well calculated prelude to the practice of vice.

President Taft's theory had been that the only way to

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convince the Mexicans that we were their friends was, to leave them to settle their own affairs. And this was the conviction at that time of most Americans in Mexico. Their lives and their property were, it is true, menaced by bands of irresponsible revolutionists that infested the country; but they were not in danger from the Huerta Government, which was friendly to Americans, until it was assailed by the Government at Washington.

It was by no means necessary, even in April, 1914, that the President should immediately recognize Huerta. Recognition would no doubt, have soon ended trouble in Mexico; but it would have been sufficient if, as provisional head of the Mexican State, he could have entertained the hope that activity on his part to conserve American life and property would eventually obtain for his Government the confidence of the United States. "He undertook," we are informed, "to confirm his position by securing the enactment of important laws for the public good." It is possible that, if permitted to complete the pacification of the country, he might freely have yielded the Presidency to another. He alone, it seemed, was the only one of the contestants in Mexico who gave promise of subduing anarchy. But whatever may be thought of these possibilities, it is incontestable that the most formidable obstacle to his success was President Wilson's sympathy with the insurgents, and the consequent removal of the embargo on arms and munitions; through which, in April, 1914, new armies had been arrayed against him. It was not the mere non-recognition of Huerta that most embarrassed his efforts to pacify the country; but the intrusive, censorious, and unprecedented attempt to mix up the American Government with Mexican affairs;—an attempt which, without producing the least benefit to anyone, eventually exasperated Huerta, alienated all Latin-Americans, and imperilled all American interests in Mexico, which were left without a means of defense or of reparation in that republic.

On April 20, 1914, the President appeared before Congress with a request in substance if not in form even more amazing than that of March 5th. This time it was "to call attention to a situation which has arisen in our dealings with General Victoriano Huerta at Mexico City."

On April 9, 1914, it was announced, while the troops of Huerta and Carranza were engaged in fighting each other

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at Tampico, a party of sailors from the U. S. S. *Dolphin* had landed near the Iturbide Bridge, where orders had been given that no one should be allowed to land. They were placed under arrest, but released an hour and a half later, as soon as the incident came to the knowledge of the commander of the Huerta forces at Tampico, who promptly apologized for the arrest, and this apology was immediately followed by an expression of regret by General Huerta himself.

Since the boat had borne the American colors at the time of the detention, it was demanded by the naval authorities that the flag be saluted. Diplomatic negotiations had been conducted through the American Chargé d' Affaires at the City of Mexico to secure this; and it was ascertained that Huerta was willing to offer the salute, provided that, when the *amende honorable* was fully made, the Mexican flag, as is customary in such circumstances, should be saluted in return, as an evidence of satisfaction. This the President peremptorily refused.

Alleging it as his "duty to insist that the flag of the United States be saluted in such a way as to indicate a new spirit and attitude on the part of the Huertistas," he then requested the approval and support of Congress in using "the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States."

Certainly, no one would oppose securing recognition of the rights and dignity of the United States. But what "rights" of the United States were really in dispute? Not the right to demand a salute to the flag as a formal apology for the arrest of the sailors. That was conceded. The only matter of disagreement was the purely formal question raised between the diplomatists as to the manner in which the salute should be given and received. For Congress the point was whether or not the armed forces of the United States should be used to enforce a salute, in the President's own language, "with special ceremony," prescribed by the Administration at Washington. In brief, Huerta was to be humbled for an unintended incident, for which apology had been offered, for which a customary *amende honorable* had been proposed, and regarding which Huerta had requested a decision at The Hague.

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Anticipating the assent of Congress, the President had already, on April 14th, sent the whole Atlantic fleet to Vera Cruz, to enforce his demand upon Huerta; on the 20th he was expressing to Congress the "hope" that our Government "would not be forced into war with the people of Mexico"; but, he persisted, "if armed conflict should unhappily come, we should be fighting only General Huerta and those who adhere to him and give him support;"—a support which, in the President's opinion, no Mexican had a right to give!

On April 21st, while the Senate was still debating the motives involved in this proposal, Congress not yet having given its approval, Mexican soil was invaded; a pitched battle was fought; Vera Cruz was captured and occupied; 126 Mexicans were killed and 195 wounded, including women and children, besides 19 American soldiers killed and 70 wounded,—a vicarious sacrifice of innocent blood, not to avenge the Americans slain by the insurgents in Mexico, or to obtain reparation for a serious wrong of any kind, but to sustain a position taken in a technical discussion between diplomatists over the correct procedure in saluting a flag!

It is desirable that every American citizen, whose "honor and ideals" are involved in this sanguinary adventure, should permit himself to consider it in such a manner as at least to absolve his own conscience.

It is necessary to remember that General Huerta was ready to offer the salute; provided that, afterward, the flag of Mexico—for whose rights and dignity as a sovereign State, whether rightly or wrongly, he was standing—would be saluted. What he objected to was a humiliation which, he felt, his nation did not deserve. It is only fair for us to ask ourselves what we should think of President Wilson, if, in an exact reversal of circumstances, he had done, upon the demand of some very powerful foreign potentate, what he required of General Huerta, and what General Huerta refused to do.

It is not overlooked—and the President must be respectfully heard on this point—that in the address to Congress it was stated: "If we are to accept the tests of its own Constitution, Mexico has no government." If that were true, on what ground could Huerta, a private citizen of Mexico, be called upon to give a military salute to a flag? What could such a personal salute signify, that a fleet and

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an army should be sent to extort it? But, whatever General Huerta's standing was according to the Mexican Constitution, there is nothing in that document, nor in the Constitution of the United States, nor in international law, that gives either the President or the Congress of the United States authority to determine who is the constitutional head of the Mexican State. That is to be determined by the Mexican people in their own way; and no one can read Articles 80-84 of the Mexican Constitution without concluding that it was expressly designed to provide for the designation in an emergency of a strong executive as Provisional President, in precisely the manner in which General Huerta came to power.

It has been argued that Huerta must be considered a "usurper," because he "overthrew" the previous Government. There has been no change of government in Mexico, since the Constitution of 1857 has been in force, when the preceding Government has not been "overthrown." A study of the Mexican Constitution shows that it expressly makes provision for a change of the executive, without popular election, whenever a weak one fails to be effective.

We are now told by the defenders of the Administration that it is this very system which President Wilson wished to overthrow; because it is not a true democracy, but an oligarchy, based on the possession of great landed estates, which ought to be broken up and distributed among the peons. Until this is done, it is contended, the Mexican situation will never end.

Was it for this, then, that the President sent the army and navy of the United States to Mexico; not to protect American life and property, but to aid in working out a social revolution, and in effect to reform the Mexican Constitution? But where did he obtain the right to do this?

The salute to the flag, for which our armed forces were supposed to be sent to Mexico, was never given; and, after the occupation of Vera Cruz, appears never even to have been demanded. Failure to obtain it, however—it is now alleged—was no humiliation; for it was only a pretext to justify the President's action in the eyes of the American people. The real purpose was, by force or intimidation, to overthrow Huerta; and thus enable the insurgents to set up such a form of government as the President of the United States approved.

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This explanation is, in truth, no startling revelation. To those who listened closely to the President's address to Congress of April 20, 1914, the real purpose of the expedition was clearly disclosed. "In fighting General Huerta and those who adhere to him and give him their support," he said, "*our object would be only* to restore to the people of the distracted republic the opportunity to set up again their own laws and government"; that is, by eliminating Huerta, and strengthening Carranza and Villa, to whom Vera Cruz, after our six months' occupation, in November, 1914, was formally delivered, and by whom it was made the citadel and capital of their military autocracy—without a guarantee of any kind, and even without stipulating the safety of American citizens—we were supposed to be restoring the distracted republic to its lost liberties!

It is noteworthy that, in the President's address to Congress asking permission to use the armed forces of the United States against Huerta, there is not a single word of complaint that he had failed to protect American life and property. There is, in fact, no serious charge against his rule, except that it was a usurpation. There is no mention of a single wrong done to any one of the 5,000 American and 25,000 foreign residents in the City of Mexico. Robbery, murder, and outrage, though frequent in Mexico, are not even referred to. Could there be a stronger vindication of the character of Huerta's Government? No fault of his officials is mentioned in this address, with the exception of two minor matters—the temporary withholding of a telegram by the censor, and the detention of an orderly sent ashore for mail—matters which had already been dismissed. And on this indictment Vera Cruz was riddled with bullets, its streets were stained with the blood of children, its homes were filled with anguish and mourning, and our brave marines were shot down when doing their duty of mute obedience. A proud and ancient city had resisted invasion —a punishment visited upon it because of an offense by an alleged private citizen of Mexico. Did it do worse than our fathers did at Lexington?

To claim that this attack was not "war" would be the extremity of hypocrisy and pettifogging. All the officers on both sides supposed it was war. The captain of the German steamer *Ypiranga,* who had arrived with a cargo of arms and munitions for Huerta, knew it was; and quietly

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sailed away, when he was forbidden to enter the port, to deliver his cargo to Huerta at another. By what law did Captain Bonath suppose he was governed when he acted thus, if it was not the law of war? And all the furor regarding the salute to the flag, how quickly that was forgotten when the stars and stripes were torn down and trampled upon, and our Consul General was imprisoned, at Monterey, in the Carranza-Villa jurisdiction; and, later still, when the American steamer *Gulflight*—which supposed the flag to be a means of protection—with great letters painted on the side of the vessel to show its nationality, was attacked and disabled by a torpedo! Who at that time, or since, anywhere, has been asked to salute the American flag, even without "special ceremony"?

Senators Lodge, Root and Borah pointed out in the Senate that the President was overlooking causes that might better justify the use of armed force in Mexico, and that the question of the salute was largely factitious. Very beautifully the President spoke at the funeral of the nineteen brave men who gave their lives to their country at Vera Cruz. "A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die." To them, indeed, it was "a war of service," and faithfully they served; but it is difficult to understand how one responsible for their going, though he might "mix with his grief a profound pride that they should have gone as they did," could feel an equal pride that they were sent as they were sent.

It is not surprising that "the leadership that never faltered" quailed before the thought of sending our troops on such a mission as far as the City of Mexico. To traverse those peaks and those abysses required a better reason than had yet been given. It was not at the City of Mexico that anarchy had its lair. There were no national interests to be gained by going there; and yet, if there was good reason for going to Vera Cruz there was as good to go forward to the capital of Mexico, and end its distractions with the hand of a master. But by this time the mistake of the expedition was evident to all. The people of the United States do not wish to make war without just cause. If armed intervention had at times seemed imperative, it was not to destroy Huerta, but to restore order by extinguishing faction and making an end of marauding. The problem for the Adminis-

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tration now was how to find an excuse for withdrawing from Mexico.

Early in his term of office the President had been urged to invite some of the Latin-American countries—particularly Argentina, Brazil and Chile—to join with the United States in mediating between the factions in Mexico. It is highly probable that such mediation, at that time, might have been effectual, and there is reason to believe that Huerta would have accepted it; but President Wilson declined. Four days after the invasion of Mexico, on April 25, 1914, the idea of mediation was presented in a different form. This time it was a proposal on the part of these republics, not so much to mediate along with the United States between the Mexican factions, as between the United States and Huerta. It was the first time that the sister republics had been brought into a controversy concerning our direct relations with an American State. It was the end of disciplinary intervention. That had consisted in prescribing what the President expected to be done in Mexico. Mediation meant an effort to ascertain through others what terms could be made with Huerta.

However commendable this mediation may have been as an alternative to a continuation of the war begun at Vera Cruz, it had been accepted at a time and in a form distinctly disadvantageous to the prestige of the United States. Carranza, whom President Wilson desired to favor, refused to send delegates to the conference, and soon showed a discouragingly obstreperous and even arrogant temper. The admission to the conference of Huerta's plenipotentiaries on a par with those of the United States was a distinct recognition of his *de facto* position. All the arrangements bore this out. To give the conference the full character of an international body, it was convened on neutral soil, on the Canadian side of Niagara Falls, where the delegates were officially welcomed as equals by the Canadian Secretary of State.

It was soon announced that Huerta was willing to retire in favor of a provisional government, to be chosen by a commission composed of three persons, one named by Huerta, one by Carranza, and one by the mediators. Carranza was informed of this, but declined to participate, and the conference was on the point of adjourning without result, when, on June 12th, Carranza decided to be represented.

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Hope of a settlement was revived, but only to end in complete disappointment. Huerta's delegates pleaded for a neutral commission, in order that a fair election might be held; but President Wilson instructed his plenipotentiaries to insist that a government acceptable to Carranza must be chosen. Finally the A B C mediators prepared a protocol prescribing that a provisional government should be formed by agreement between Huerta and Carranza. This protocol was signed by Huerta's delegates, but Carranza refused to have his delegates sign it, and demanded Huerta's complete surrender.

The conference, through this refusal, ended without accomplishing its task. But Huerta, discouraged, on July 15th, resigned his position and went to Europe; leaving a former Chief Justice of Mexico and Minister of Foreign Affairs, Francisco Carbajal, as Provisional President, pending an election. This jurist and statesman assured the Washington Administration of his intention to obey the Mexican Constitution and establish peace; but he was informed that the United States would not acknowledge the validity of any loans or concessions made by Huerta, since October 10, 1913. Carranza, strengthened by the possession of Vera Cruz, soon ended the efforts of Carbajal to restore the peace of Mexico. The bandit Villa, who in Carranza's name occupied the City of Mexico, soon turned against him, declaring that Carranza must be eliminated from public affairs. In the sanguinary duel between these insurgent chiefs the Administration at Washington showed a preference for Villa, until his almost total defeat; finally recognizing Carranza, not in any sense the constitutional head of the Mexican State, as *de facto* "Chief Executive."

It is needless here to recount Villa's brutal revenge in the massacre of Americans at Columbus; the second invasion of Mexico by an American army against the remonstrance of the irresponsible but exacting First Chief Carranza; the battle of Carrizal; the fortitude of our hampered troops; and the timidity and inefficiency of the Administration in directing and supporting them.

Looking backward over the whole period since March 4, 1913, it is difficult to believe that it is the same President who, in April, 1913, demanded that there be an "immediate cessation of fighting throughout Mexico"; who, in October, 1913, said to the faithful followers of William Penn at

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Swarthmore: "Nowhere can any government endure which is stained by blood"; who, in December, 1913, said to Congress: "There can be no certain prospect of peace in America until General Huerta has surrendered his usurped authority in Mexico"; who, in February, 1914, removed the embargo, thus permitting new armies to equip themselves for continuing war; who, in April, 1914, demanded the privilege of driving Huerta from power with the armed forces of the United States, invaded Mexico, and made war on its inhabitants; and who, in January, 1915, having prolonged anarchy in Mexico by the aid offered now to one and now to another of the insurgents, could say in the extraordinary speech delivered at Indianapolis: "I got very tired staying in Washington and saying sweet things. I wanted to come out and get in contact with you once more and say what I really thought"; and then, speaking of the situation in Mexico: "It is none of my business, and it is none of yours, how long they take in determining it. . . . . Have not European nations taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak"?

To reach that conclusion by the path actually pursued has cost the American people two hundred million dollars for successive interventions, besides many human lives; and the end is not yet reached. Our troops for the second time are on duty in Mexico.

The impression made upon Europe by the conduct of the Administration at Washington in the treatment of Mexico was not favorable to the United States. Up to the actual invasion of Vera Cruz the President's course seemed to be the result of a dictatorial temperament modified by pacific idealism. Mexico had received from Washington explicit instructions as to the course to be pursued. But there was no inclination to follow these directions; and, up to April, 1914, with the exception of supplying arms for the insurgents, there was no effort to enforce them. It was the jest of European diplomatists that this Government had neither the army nor the courage to try conclusions with Huerta, but merely scolded and passively watched the destruction of American and foreign life and property in Mexico.

Prior to the occupation of Vera Cruz, the opinion had

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been held that, if the United States would neither recognize Huerta's Government nor aid in establishing another, but was determined to disavow responsibility while supplying the factions with the means of making war, combined European intervention should be organized to protect foreign interests without the help of the United States. When, however, the Administration, in April, 1914, appeared to assume responsibility by the occupation of Vera Cruz, it was believed that the United States, once involved, could not stop until order had emerged out of chaos in Mexico, as it did when our Government finally took hold of the Cuban situation in 1907.

In July, 1914, therefore, the tension regarding Mexico was greatly relieved. The obnoxious clause in the Panama Canal Act had been repealed in June. At the same time the A B C mediation was promising to work out some peaceful solution.

On August 1, 1914, the outbreak of the great European conflict fixed attention elsewhere. At Washington such a possibility had been considered inconceivable. War, the prophets of pacifism had decided, was an anachronism. It had become too awful to be attractive, and too costly to be profitable. Yet every close student of European conditions had long known that the great struggle was not only in preparation but imminent.

In pursuance of a provision of The Hague Convention for the Pacific Settlement of International Disputes, on August 3rd, the President offered the good offices of the United States in mediating between the European Powers then at war; but this dutiful act was, unhappily, unavailing. He also promptly issued the customary proclamation declaring the neutrality of the United States. In thus continuing the traditional policy of this country, the President was, however, unfortunately, both too zealous and too reticent. He was too zealous, because neutrality is an attitude of governments and not of persons, whose consciences are not under official authority. When, on August 19th, the President, in his *Appeal to the Citizens of the Republic,* uttered "a solemn word of warning" that "we must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before the other," he was not only far exceeding his constitutional preroga-

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tives, but he was, in effect, sealing up the well-spring of American honor and independence. It was an announcement to the whole world that, no matter what happened in Europe—whatever law was violated, whatever outrage was committed—the people of the United States must "put a curb on their sentiments" and remain "impartial in thought"! No President has ever before taken such a liberty with the American conscience. If made universal, such a rule would utterly suppress the moral judgments of mankind.

On the other hand the President, while witnessing the most shocking violation of neutral rights, accompanied by severities previously unknown to civilized warfare, maintained a studied silence. He did so even when a solemn legal engagement with the United States was openly disregarded.

When the soil of Belgium—not only a neutral but a neutralized State—was invaded by a Power that had pledged itself to respect the neutrality not only of that but of every neutral country, the American people with practical unanimity felt that a great wrong was being perpetrated. Had the United States been entirely unaffected by that act, it would still have been within the right of the American people to voice their disapprobation; but it was not only a blow that shattered the whole structure of conventional engagements—a denial that any written pledge has value when it is to the interest of a powerful nation to exercise its will upon a feebler one—but a violation of a solemn compact made with the United States.

Various kinds of sophistry have been resorted to in the newspapers and in Congress in defense of the President's silence. The Hague Conventions, it is said, are not binding when even one of the belligerents is not a party to the contract; and a neutral nation ceases to possess neutral rights the moment it is involved in a state of war through invasion and attack by another nation; which is equivalent to saying that a right never existed because it has been violated—a pretense too contemptible even to discuss.

It is doubtful if these sophisms were in the President's mind when Belgium was invaded, but The Hague Convention Respecting the Rights and Duties of Neutral Powers in case of War on Land, if not personally known to him or the Secretary of State, was certainly known to the law officers of the Government; for it was at that moment the code of neu-

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trality which our own Government was bound to obey, and it would be incredible to suppose that the Administration in such a time was aware neither of its duties nor its rights. What does that law say?

Article 1 reads:

> "The territory of neutral Powers is inviolable."

Article 2 of the same convention reads:

> "Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power."

Article 10 of the same convention reads:

> "The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act."

On August 3, 1914, when Belgian soil was invaded, every one of the belligerents then engaged in the war had signed and ratified this convention, as had the United States; and all were mutually bound by it as firmly as any treaty can bind sovereign States. Article 20, which reads as follows, was, therefore, not operative:

> "The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention."

It is then with perfect authority that one of our greatest jurists says: "The law protecting Belgium was our law. . . . . For generations we had been urging on and helping in its development and establishment. We had spent our efforts and our money to that end. . . . . We had bound ourselves by it; we had regulated our conduct by it; and we were entitled to have other nations observe it. That law was the protection of our peace and security. It was our safeguard against the necessity of maintaining great armaments and wasting our substance in continual readiness for war. Our interest in having it maintained as the law of nations was a substantial, valuable, permanent interest, just as real as your interest and mine in having maintained and enforced the laws against assault and robbery and arson which protect our personal safety and property. Moreover that law was written into a solemn and formal convention, signed and ratified by Austria-Hungary, Belgium, France, Germany, Russia, and the United States, in which those

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countries agreed with us that the law should be observed."

To this it may be added, that this engagement was of peculiar and exceptional interest to the United States, because it protected the neutrality of ten otherwise unprotected American republics in whose safety we were interested. So far from being a purely European question, in which we were not to interest ourselves on account of the Monroe Doctrine, it was at the same time a world question, and also an American question, for the reason that it extended the protection of a solemnly ratified treaty over these ten American States, besides the United States, and there would have been included in this compact by their simple ratification eight other American States that had already signed it.

Yet Washington was silent, silent as the grave. We were to be neutral, even "in thought," while this outrage against a free, independent, and helpless nation was going on, in violation of our law. Was it a time for formal notes of protest? someone may ask. Would they have had any effect? Could they have undone the wrong? These are futile questions. It was a time when both duty and interest called upon our Government to speak, and at once. Was there not an Ambassador in Washington to whom the President of the United States could express his mind at a moment like this? Where was the "reckless enthusiasm for humanity," of which the President has boasted, in this crisis? *Our* law, the law of the whole civilized world, trampled upon, and no whisper even of remonstrance!

What, after this passive acquiescence in the violation of so solemn an engagement, could we expect of those whose further conduct was influenced by the exigencies of war; and with what force, having permitted the principle of neutrality to be ignored, could we plead the sanctity of its application to ourselves?

An earnest protest against the scrapping of the whole conception of treaty obligations should not involve us in war. If it implied the risk of war for a sovereign nation, through its organized government, to speak out in defense of treaty engagements made with itself, would not the "honor and ideals of the United States" require that the challenge be accepted? If we have reached such a level of debasement that we dare not even lift a voice in behalf of our own treaty rights, we need not

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be surprised at any wrong that may be inflicted upon us.

It is, no doubt, this passive acquiescence that the defenders of the present Administration intend to praise when they boastfully proclaim that it "has kept us out of war." It is precisely this spirit that is responsible for many of the misfortunes that have befallen us during the European conflict. It was the settled conviction in the chancelleries of Europe at the beginning of the war that, no matter what the belligerents did, the Administration at Washington would do absolutely nothing; and this forecast has been amply justified. A prompt and earnest manifesto against the disregard of treaty obligations would have been an act not only of unquestioned legality and propriety, for which the belligerents had themselves furnished precedents, but the performance of a duty to all neutral nations. It would have given us at once the moral leadership of the world, and made the United States the friend and the rallying centre of all the neutral countries. It would have done more: it would have given us the balance of power during the war in international affairs; and, even in the fearful turmoil of conflict, the belligerents would have sought our approval in choosing their methods of procedure. Our attitude of total self-effacement, except in pressing our chance for profit by the misfortunes of others, has left us without a friend. With many fervid professions regarding "humanity" in the abstract, the Administration has stood actively and effectively for nothing whatever in the concrete, not even for the lives of our citizens.

It is worthy of note, that Great Britain, although the second to accept "in principle" the Bryan Peace Treaty, withheld signature until September 15, 1914—this being the very day on which the President announced his intention to withdraw our forces from Vera Cruz—thus becoming the twenty-fifth Power to sign; and ratification was delayed until October 8th, when the evacuation of Vera Cruz was positively assured. Then, in the full tide of the contingencies of war, when a free hand was useful to a belligerent, when neutral rights were already in danger and sure to be seriously involved, the Secretary of State agreed with Great Britain that "all disputes whatsoever" should be referred to an international commission; and that no action should be taken in rejoinder upon any subject of dispute until the commission had reported. On November 3, 1915, the time

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fixed for the appointment of the commission was extended by exchange of notes until January 1, 1916.

This agreement by the United States involved giving to Great Britain *carte blanche* to do anything it pleased—with no reckoning to be made until one year after its occurrence, or practically until the end of the war—with the assurance that the Government at Washington would do nothing more serious than to send written protests against violations of neutral rights, as they occurred, and await the judgment of the international commission. There was, however no stipulation, as there might well have been, that the Declaration of London, or some other definite code of sea law, was to be observed; the omission affording Great Britain an opportunity to regulate its conduct by Orders in Council during the progress of the war.

Germany, also, it is understood, had been one of the first to accept "in principle" this model treaty, but has never actually signed it. This, however, in the opinion of the Secretary of State, was an unimportant detail. Since we had ourselves proposed these terms, and they had been accepted "in principle"—as was declared by Secretary Bryan at the time of his resignation—strict neutrality would require that Germany as well as Great Britain should enjoy the benefit of the terms of the treaty; that is, according to the Secretary of State, the privilege of postponing "all disputes whatsoever" until they could be referred to a mixed commission for adjustment, with a year for deliberation, even when human lives as well as cargoes of goods were affected, should be accorded with exact parity to both Governments.

Our international self-effacement being thus rendered absolutely complete, in the midst of unfathomable world-commotion, we presently experienced the results.

Great Britain, by preventing commerce between neutral ports, soon succeeded in shutting off all over-seas trade with Germany, thus seriously affecting the German food supply. To break this illegal blockade, as it was declared to be, Germany resorted to submarine warfare. A "War Zone" was proclaimed around the British Isles; and, on February 4, 1915, the German Admiralty declared its purpose of sinking on sight, without warning, and without regard to the lives of passengers or crew, any enemy merchant vessel found in that vicinity, and warned all neutrals of the

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grave danger that would incur from sailing in those waters.

This was, of course, not only an innovation in naval warfare, but an open disregard of the requirements of international law. Legally a warship has no right to sink a merchant vessel without previous visit and search, and no right in any case to destroy the lives of innocent non-combatants on the high seas, whether passengers or members of the crew.

On February 10th, the Department of State issued its famous note regarding "strict accountability," saying: "It would be difficult for the Government of the United States to view the act (of sinking an American vessel or destroying American lives) in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now happily existing between the two Governments"; adding, "If such a deplorable situation should arise, the Imperial German Government can appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any step it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas."

In spite of certain circumlocutions, this note reads very well; but what construction was placed upon it orally at the Department of State, and how was it regarded by the foreign Government? Did "strict accountability" mean merely reference to a mixed commission of questions of indemnity for such violations of international law, to be settled by a lawsuit at the end of a year? Certainly, in such a crisis, Germany would not be deterred by that, if in the meantime the submarine policy could be ruthlessly carried out. What "steps," in addition, did this note intend to imply? That was the only question of real importance.

According to *The American Year Book* for 1915, page 42, the German Government was indirectly given to understand that no serious "steps" were contemplated. "Secretary Bryan," the record runs, "held a conversation with Mr. Dumba, the Austro-Hungarian Ambassador, through which the impression was conveyed to Berlin that the firm tone of the American note was intended merely to impress home sentiment, and was not to be taken seriously abroad." On

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June 27th, according to the same authority, Secretary Bryan made a public statement as follows: "I reported to the President the conversation I had with Ambassador Dumba and received his approval of what I had said"; but he does not report in this statement what he actually said to Ambassador Dumba.

How, in the light of such oral interpretation by the Secretary of State, was the expression "strict accountability" to be understood? What, in an atmosphere of apologetic explanation and exact parity in the treatment of all acts, sustained by a general policy of passivity, could any kind of mere "accountability," however strict, signify, beyond precise bookkeeping and a final demand for indemnities at so much a person after a year's delay? However the impression may have been conveyed, this appears to have been the actual inference at Berlin, as the subsequent correspondence shows; for there was no disposition to abandon the destruction either of vessels or lives, but merely to prepare the record, without admitting liability, for the coming lawsuit.

But it was not a time for inferences. The situation demanded plain, direct, frank and resolute speaking. It was a time to send for the Ambassador, and personally say to him that, if an American life was taken by a submarine on the high seas, diplomatic relations would be at once severed, and that the friendship which had so long existed, which had been so highly valued, and was still greatly desired, would have to end. Such interviews in the White House were not unprecedented; but they had never shaken, they had rather confirmed, that faith in fearless and honest friendship on which sound international relations should be based.

The writer of this article firmly believes that, if a telegram had been sent to the German Emperor personally, on February 10, 1915, after a frank discussion of the subject with the German Ambassador, instead of the "strict accountability" note, making direct appeal to the Emperor's good sense and friendly disposition toward the United States, not a single ship known or believed to carry American passengers would ever have been sunk without warning. Such an appeal would have been an evidence of real friendship. It would, at least, have absolved the Administration at Washington from a grave responsibility; and it would

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have placed the relations with the German Empire upon an entirely different footing from that which the wavering attitude at Washington produced.

An elaborate argument has been made to prove that, after the advertisement sent out by the Imperial Embassy, warning passengers not to sail on the *Lusitania,* it was physically impossible for the Administration to save the imperilled passengers. They were, it is affirmed, already doomed; because, the orders to the submarines having already gone out, it would not have been practicable to inform them not to sink the *Lusitania,* which sailed on May 1st and was sunk on May 7th.

Such an assumption is gratuitous and by no means sure. But, after learning of the attack on the American steamer *Gulflight,* on May 1st, would the President or the Secretary of State have made no attempt to reach the Emperor, if members of their own families had already sailed on the *Lusitania?* But opportunity for action was not confined to such narrow limits of time. Nearly three months had elapsed since the "strict accountability" note had been sent; when, on May 1st, the Imperial German Embassy published the advertisement, informing the American people that they sailed at the risk of their lives. Relying upon their Government to protect them, these passengers sailed without fear. Yet this advertisement has never been rebuked as either false, misleading, or impertinent. How could a foreign Government dare to publish such a menace, if it did not have reason to expect the official silence that actually followed its act?

The sinking of the *Lusitania,* it is now urged, was a tragedy so terrible that it could not be believed before the event. Does the enormity of the disaster exculpate this Government from trying seriously to prevent it? As a matter of fact, just such a tragedy as this was foreseen and accurately described in the note of February 10th. There had been plenty of time for vigorous action before May 1st. Such a tragedy had actually occurred. The *Falaba* had been torpedoed, on March 28th, with 160 passengers on board, 111 of whom were lost, including an American citizen. Even a month after the *Lusitania* was sunk, the Secretary of State was still publicly maintaining that the whole question should be referred to a commission, and that Americans should be warned by their own Government not to expect protection.

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The President's own position was more ambiguous. On May 10th, only three days after the great tragedy, while the bodies of American women and little children were still being washed ashore on the coast of Ireland, the President delivered a famous speech in Philadelphia reported throughout the world.

This speech, containing the expression "too proud to fight," we are now assured, had been prepared for delivery long before the sinking of the *Lusitania,* and had no reference to it; but so fine a phrase, it seems, could not be stricken out, and once spoken it could never be forgotten. It is painful to think that a mind set to guide the destinies of a nation should be so insensible of the condition of public sentiment at a moment of such tense feeling. It was not a time to speak loosely of fighting. Anything that could be said upon that theme at that moment in a public address by the President of the United States, unless it was wholly unequivocal, was certain to be understood either as a veiled threat or as a revelation of indecision. But to offer a factitious apology for nonresistance, to intimate to stricken households that there was really nothing in their lives or affections worthy of armed defense, and to a ruthless belligerent that had just filled them with mourning that our pride of righteousness was so great that resolution for action was wholly wanting—that was to give an assurance of license to every extremity.

After this utterance, of what avail was it to speak of omitting "no word or act," when during a year of repeated tragedies, evasions, and equivocations, many more ships were sunk, the toll of American lives sacrificed mounting to more than 140, and it was seen that there was no preparation or intention that looked toward action? It would be tedious beyond endurance to follow the interminable debate carried on in negotiations that grew more and more academic as they proceeded—the preliminaries of that ultimate lawsuit before a mixed commission in which it was intended from the beginning that it was all to terminate.

We are now told that the course of the Administration was highly meritorious because it "kept us out of war." Passive acquiescence, up to a certain point, is a sure method of keeping a nation out of war; but when it is adopted as a fundamental policy, it leads inevitably to war, because upon some occasion a situation is certain to arise that can not be

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tolerated. But did the President at any time believe for a moment that war was about to be declared upon this country? Did he ever for a moment intend to declare war upon Germany on account of the controversy over submarines? All the indications are to the contrary. To what purpose then is it insisted that we were "kept" out of war, if there was no likelihood of it? And what motive did Germany have for making war on the United States?

When in June, 1915, Secretary Bryan resigned his office, he declared that the President was "rushing us into war." He meant by this that, if the Government of the United States insisted upon the rights of its citizens under international law, they would surely be denied, the tragedies would continue, and then we should have to fight for our rights. He thought it better to waive them altogether. But the President was too wise for this. He understood that the American people might endure delays, but they would soon make an end of any Administration that openly, through fear, refused at least to affirm their rights. Yet he made no preparation to protect or enforce them. On the contrary, he repeatedly discouraged such preparation. On December 8, 1914, when men of wider vision were calling the attention of the country to its defenseless condition, the President solemnly said to Congress: "Let there be no misconception. The country has been misinformed. We have not been negligent of the nation's defense. . . . . We are not unmindful of the responsibility resting upon us." Even so late as November 4, 1915, he failed to realize that there might be need of action. After a long series of notes, ending with the announcement of the Imperial German Government that it was "prepared to pay an indemnity for the American lives lost on the *Arabic*," and that the Ambassador was "authorized to negotiate about the amount"—to which this Government had replied that it also was prepared to negotiate on this subject—although the sinking of the *Lusitania* had not even been disavowed, the President in his speech before the Manhattan Club, in New York, publicly gave out the impression that all controversy was at an end; thus confirming the inference that "strict accountability" meant simply the payment of money indemnities. He then said: "The country is not threatened from any quarter. She stands in friendly relations with all the world. . . . . In no man's mind, I am sure, is there even raised the question of the

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wilful use of force against any nation or any people."

At last, however, stirred by the sentiment for preparedness which had been aroused among the people, the President in less than three months was calling loudly for an increase of our army and the strengthening of our navy; not apparently because he had even then the slightest intention of employing them, but because the instinct of a people —which is often surer than the plans of statesmen—working through the Navy League, The National Security League, and the American Defense Society, was clamoring for a national force adequate for maintaining the national rights and dignity. And note how completely the utterances of December, 1914, were contradicted in January, 1916, when the President made his whirlwind journey through the West, sounding a note of wild alarm, not knowing what a day might bring forth, saying he had been told that he was expected to preserve the "honor" as well as the "peace" of the country; and asking, "Have you reflected that a time might come when I cannot do both"? and, "Should it be necessary to exert the force of the United States in order to do it, have you made the force ready"?

Having thus appropriated, as if it were all his own, the rising tide of sentiment for national defense, the President returned to Washington, and knowing that the force he had called for was not ready and not likely soon to be made so, became so apathetic as to induce the resignation of the one member of his Cabinet who had seriously urged such a measure. Thus, like Secretary Bryan, upon whom the President had relied to keep the country out of war—but with better reason—Secretary Garrison, upon whom he had relied to prepare for our defense if war should come, uncertain of the outcome, unwilling to share responsibility for an ambiguous policy that was running a grave risk, yet making no preparation to meet it, in dismay offered his resignation. As the Chicago *Tribune* has tersely expressed it, "He chose these men. They saw him work. They got out from under."

Such being the judgment of two of the Administration's leaders, we need not discuss the question whether the country was ever really in danger. They thought it was. From the inside they saw plainly where the danger lay. The President was handling high explosives as if they were tennis balls. In the official notes he was using language that seemed almost violent, and was certainly extremely irritat-

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ing. There the voice was that of a master; but in the side remarks, giving assurance of our lack of aggressive purpose and our pacific intentions—which were already sufficiently evident—there were cadences almost plaintive.

But what rendered the notes most ineffective, until a crisis finally came, was the fact that there was in them no suggestion of any definite action. They threatened nothing in particular; and were, therefore, treated as mere glittering generalities.

It was, undoubtedly, the ambition of the Administration to avoid a resort to arms; and, to ascertain upon what terms this might be accomplished, the services of Hyperambassador House were called into requisition. The advantage of this channel over the diplomatic body was that communications could be made and received in perfect secrecy, while official notes were open to inspection. The result of these secret missions appears to have been an understanding that, if "strict accountability" were frankly accepted, friendly relations would continue even without further promises. This is apparent in the negotiations that were designed to efface the past and bury altogether the *Lusitania* "controversy," as it now had come to be called, by the payment of indemnities for the lives lost, but without the admission of "illegality," when the sinking of the *Sussex* on March 24, 1916, revealed a state of public feeling in this country which quickly made an end of temporizing. On April 18th, the Administration having been swept forward by an irresistible tide of public sentiment that could not be curbed, after a solemn announcement of the decision to Congress, the Imperial German Government was informed that, unless it should immediately declare and effect an abandonment of its methods of submarine warfare, the Government of the United States would sever altogether diplomatic relations with the German Empire.

It was the first step definitely looking toward action taken by this Government in the course of its negotiations with European Powers; and the result proved that, had it been taken in February, 1915, instead of April, 1916, 144 American lives might have been saved; for at that earlier date the friendship of the Government at Washington was esteemed as of more value to the German Empire than it was believed to be in 1916. The deference paid to this first and only concrete declaration, under less favorable circum-

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stances for the United States, though reluctant and even conditional, seems to justify this conclusion. All the more certain would this have been, had our Government not been reduced to practical ineffectiveness in regard to sea law by improvident treaty engagements. Better still, perhaps, would have been our position, if our Government, while strictly performing the duties of a neutral, had preceded its defense of our violated rights by a prompt, firm, and energetic insistence on the sacredness of the fundamental principle of neutrality, without which these rights are mere transitory concessions.

Such as it is, however, the "record" has to be accepted. It has now passed into history. The American people will soon express their judgment regarding it, and this will present a test of themselves, as well as of the Administration that has made it. Whatever their decision may be, in peace or in war, having made their choice, in every emergency they will stand loyally behind their leader, whoever he may be. But in making their choice, if they are wise, they will resolve that there must be no purely personal adventures in our diplomacy, and that the foreign policy of the United States must be framed solely in view of the interests, obligations, and resources of the American people and executed with full knowledge of the real aims and purposes of other nations.

David Jayne Hill.

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THE THREATENED STRIKE ON THE RAILWAYS

BY SAMUEL O. DUNN

THE nation-wide wage movement by the train service employees of the railways of the United States has had unprecedented and startling effects. It has brought the country to the verge of a strike which would have been the most disastrous in history. It has caused the destruction of the principle of voluntary arbitration of railway labor disputes. It has been marked by the intervention of the President of the United States in a manner which has engendered damaging suspicions regarding his motives and has called forth bitter denunciation of his conduct. It has caused Congress to abdicate its function as a deliberative body, and to rush through a measure which is without precedent in the annals of legislation, and which, if it is upheld by the courts, will impose a heavy burden directly on the railways and indirectly on the American public. It has interpolated into a national political campaign which had been dull and colorless two issues of vital importance, namely, whether we shall use orderly and peaceable or disorderly and destructive methods in settling labor disputes, and whether "government of, for and by the people" shall be allowed to be overthrown by the pressure of organized groups seeking to use the machinery of government for their own purposes. And after having produced all these results, this wage movement has not been conducted to a final settlement.

The law passed by Congress at the dictation of the labor unions purports to establish an eight-hour day in train service. It shows clearly on its face, however, that its effect would be not to reduce the workng hours of those for whose benefit it was enacted, but merely to increase their wages.

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This being the case, it is regarded by most lawyers as unconstitutional. Should it be nullified the train service employees doubtless would renew their movement, and again prepare to strike if their demands were not granted, and yet, while Congress has temporarily placated them by passing the legislation which they named as their price for not striking, it has adjourned without doing anything to prevent the danger of a nation-wide railway strike from recurring.

In order to grasp the full significance of this movement and of all the developments in connection with it, it is necessary to follow it step by step from its inception. It began just about a year ago. From the first it was announced that the train employees were going to seek an eight-hour day and that, being dissatisfied wth previous awards, they would not consent to arbitration. Their exact proposals became public last January. They were at once denounced by the spokesmen of the railways as contemplating a fraudulent "eight-hour day," the establishment of which would not shorten working hours, but merely increase wages. It was added that the train employees had received large advances in wages within recent years, that they were the best paid workingmen in the country, and that if any increases were to be made in the wages paid by the railways the claims of the other 80 per cent of their employees deserved prior consideration.

For some months before the demands were presented the leaders of the brotherhoods addressed meetings of their followers throughout the country at which they explained their plans and urged united support of them. About five months ago they began to express confidence that, although they would not arbitrate, they would conduct the movement to success without a strike. W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers, and W. G. Lee, president of the Brotherhood of Railroad Trainmen, were quoted as saying at meetings held at St. Louis on April 9 "that they were absolutely confident of winning out, but that they were going to do a certain thing which only the presidents of the four brotherhoods knew about and which they did not propose to tell any one, but that it would be the deciding factor in winning out in this fight."

The managers of the railways entertained no such confidence that a strike would be avoided. They were de-

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termined not to grant the demands without arbitration, and as the leaders of the brotherhoods said they would not arbitrate the managers felt that a real and serious danger existed and repeatedly issued statements to this effect. The business interests of the country also became alarmed; and the Chamber of Commerce of the United States submitted to its members a resolution which contemplated action by Congress to provide for an investigation by the Interstate Commerce Commission of the entire railway wage situation.

The demands of the employees were formally presented to the individual carriers on March 30, and negotiations regarding them began in New York City early in June between the Conference Committee of the Railways and committees representing the employees. The demands already have been summarized and analyzed by the writer in an article published in this REVIEW for July, 1916. They were, in brief, that the roads should in future pay employees in freight train and yard service the same wages for eight hours' work that they were paying them for ten, and overtime after eight hours at 150 per cent of the regular hourly rate. Negotiations continued to the middle of June. Meantime, the Chamber of Commerce of the United States voted by 981 to 29 in favor of asking Congress to direct the Interstate Commerce Commission to investigate the entire matter of wages on railways.

The negotiations having proved fruitless, the Conference Committee of the Railways proposed arbitration of all the points in controversy either by the Interstate Commerce Commission, or by a board to be organized under the Newlands Mediation and Arbitration Law. The leaders of the brotherhoods rejected this alternative proposition and immediately began to take a strike vote.

The ballot submitted to the men was phrased in such a manner as to give them no opportunity to indicate their sentiments on the question of arbitration. It simply presented them the alternative of voting for or against giving their leaders authority to order a strike. There never was any question that the men would give their leaders this authority. The situation began to look extremely grave. There were, however, two classes who continued to act and to express themselves with complacent optimism. These were the leaders of the railway brotherhoods, and the leaders in governmental affairs at Washington. The resolution of the

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Chamber of Commerce of the United States was sent to President Wilson, but was given no public acknowledgement by him. It was introduced in Congress, but no steps were taken toward passing it. The chairman of the Railroad Committee of the Chamber of Commerce finally sent a long telegram to President Wilson urging upon him the imperative need for governmental action, but the President paid no heed to it. Meantime, Judge Chambers of the Federal Mediation and Conciliation Board gave out an interview in which he expressed confidence that there would be no strike, and on July 21 Chairman Adamson of the House Committee on Interstate and Foreign Commerce, in discussing the Chamber of Commerce resolution, said that he had conferred with the leaders of the railway brotherhoods and that they had assured him they did not intend to "stop the wheels."

Thus, although a vote to authorize the declaration of the greatest railway strike ever contemplated was being taken, and although many persons regarded the situation with great apprehension, the President and the Congress never lifted a finger to protect the country. The leaders of the brotherhoods also continued to give out statements predicting that there would be no strike. They went farther, and explained why there would be none. There was to be no strike *because the railways would finally yield and grant the men's demands.*

The strike vote having been completed, it was arranged that the committees representing the railways and the brotherhoods should meet again in New York City on August 8. Two days before, on the evening of August 6, a public meeting was held in New York City under the auspices of the railway brotherhoods. Among those who made addresses on that occasion was Dudley Field Malone. Mr. Malone was the personal representative of President Wilson at the inauguration of the President of Cuba and is now by his appointment collector of the port of New York. He denounced the railways, and unequivocally supported the demand of the labor brotherhoods for an "eight-hour day." Meantime reports began to be circulated in Washington and New York that there was an understanding between the National Administration and Samuel Gompers, president of the American Federation of Labor, and the leaders of the labor brotherhoods, that President Wilson would be given an opportunity to make capital out of the threatened strike. This, it was said, was to

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be done in the following manner: The brotherhoods were to reject all offers made by the railways. They were to look askance at mediation by the Federal Board of Mediation and Conciliation, thus giving the President a chance to intervene and bring both sides to the White House. He would then submit a proposition which in all probability would be accepted by the labor leaders, thus putting the onus of rejection of his services, if they were rejected, on the railroads.

On August 8 the representatives of the brotherhoods reported the strike vote. The Conference Committee of the Railways took the ground that the two parties were too far apart to effect a settlement by direct negotiations, and asked the brotherhoods to join with the railways in inviting mediation by the Federal Board of Mediation and Conciliation. This request was declined. The railways then alone called in the Board of Mediation. Mediation proving as unavailing as direct negotiations, President Wilson on August 13 asked the representatives of both sides to come to the White House. The Conference Committee of the Railways had contended throughout that the best body to which the controversy could be submitted was the Interstate Commerce Commission. On August 11, two days before he sent for the representatives of the brotherhoods and the railways, and while the mediation conferences were still in progress, President Wilson wrote a letter to the president of the Boston Chamber of Commerce, making clear that he did not favor submitting the matter to the Commission. In other words, he rejected the plan for a settlement which he knew was favored by the railways before they had an opportunity to present it to him.

After various conferences with both sides Mr. Wilson announced the basis which he favored for a settlement. This was, (1) Concession of eight-hour day. (2) Postponement of the other demand, as to payment for overtime, and the counter suggestions of the railways, until experience actually disclosed the consequences of the eight-hour day. (3) In the meantime, the constitution, by authority of the Congress, of a commission or body of men appointed by the President to observe, investigate and report upon these consequences without recommendation. (4) Then such action upon the facts as the parties to the controversy might think best.

This would have finally settled nothing except that the employees would have secured the "basic eight-hour day." It did not provide for the arbitration of any of the other

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matters in controversy. The Conference Committee of the Railways explained fully that the physical conditions under which the railways were operated made the establishment of an absolute eight-hour day in train service impracticable and that the brotherhoods were merely asking for the substitution of eight hours for ten hours as the basis for computing daily wages and overtime. The President said he understood this, but insisted upon the adoption of his plan. The National Conference Committee of the Railways finally told him they could not accept it.

President Wilson thereupon telegraphed for the presidents of all the leading railways, and in response to his invitation there assembled in Washington more heads of large railways than ever met before in the history of the United States. While they were gathering the committees representing the brotherhoods announced their acceptance of the President's plan.

The railway executives called upon President Wilson on August 19. He then told them he did not regard the eight-hour day as an "arbitrable question," and while the conference was in progress he caused a statement to be given out in which he said: "The eight-hour day now undoubtedly has the sanction of the judgment of society in its favor and should be adopted as a basis for wages even where the actual work to be done cannot be completed within eight hours."

The views expressed by the President introduced entirely new elements into the controversy. The brotherhood leaders had opposed arbitration solely on the ground that impartial and expert arbitrators could not be secured under the Newlands Act and that the temporary boards organized under this law were unable to enforce their awards. The railways' proposal that the matter be submitted to the Interstate Commerce Commission seemed to meet all these objections, since it is to be assumed that the Commission is an impartial and expert body, and it certainly could enforce any award it might make. The contention of the President that the eight-hour day had been sanctioned by the judgment of society and, therefore, did not present an arbitrable question, was as novel to the leaders of the brotherhoods as it was to the railway executives and to the public, and aroused other business interests as much as those identified with transportation.

The situation created by the attitude assumed and the sentiments expressed by President Wilson presented to the

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railway executives a most perplexing problem. The railways are anxious to have the system of regulation applied to them reformed and improved, and their presidents naturally feared that if they rejected the President's proposals they might array his Administration against them. This might be a serious matter for them during the rest of his term of office and a still more serious matter if he should be re-elected. On the other hand, they knew that if they accepted the eight-hour wage basis in freight train service, even without time and a half for overtime, it would add over $60,000,000 a year to operating expenses. They knew that this concession would be regarded by the train service employees as having been made, not because President Wilson had asked for it, but because the train service employees were threatening to strike, and that, therefore, it would have a most demoralizing effect on discipline. They knew that if they voluntarily made such large increases in wages to one class of their employees who had refused to arbitrate and threatened to strike, they speedily would be confronted with corresponding demands from other employees some of whom probably would resort to similar measures, and that the ultimate result would be total increases in wages and operating expenses which would run into hundreds of millions a year. They also knew that if they yielded they would be condemned by the business interests of the entire country, for they were being deluged with letters and telegrams from individuals and commercial organizations in every section urging them to stand firm for arbitration. This condemnation of them by the business interests would undoubtedly be accompanied by bitter and determined opposition to any advance in freight rates to offset the increases in wages; and the Administration gave them only very intangible encouragement regarding this phase of the matter. Finally, the railway presidents realized that if they accepted President Wilson's plan it would not even settle the present controversy, but that in a few months the train employees might renew their demand for time and a half for overtime, refuse to arbitrate it, and strike if it were not granted.

After conferring for almost a week, and considering various plans, the railway presidents decided that for them to accept President Wilson's proposition would be to wrong the stockholders of the railways, the 80 per cent of their employees not involved in the controversy and the American

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public, and that they must hold out for arbitration. They reached this decision on August 25, and intended to communicate it to President Wilson the next morning. Before they had opportunity to do so the leaders of the brotherhoods got wind of it and immediately issued an order for a strike to occur on September 4 at seven o'clock A. M. The first news President Wilson received of their action was taken to him by a committee of the railway presidents.

As a means of preventing a strike the railway executives suggested to the President "the enactment by Congress at once of a law within the policy of the Canadian Industrial Disputes Investigation Act, which in itself will furnish a guarantee against hasty action now and against the recurrence of such an unfortunate situation in the future." With respect to the matters directly in controversy, they said they were "unable to assent to the statement that 'the eight-hour day' now undoubtedly has the sanction of the judgment of society in its favor." They added,

> We believe, that society has not yet recorded its judgment upon this subject. * * * * As trustees for the public served by our lines, and for the great mass of the less powerful employees (not less than 80 per cent of the whole number) interested in the railway wage fund, as trustees also for the millions of people that have invested their savings and capital in the bonds and stocks of these properties * * * * we cannot in conscience surrender without a hearing the principle involved, nor undertake to transfer the enormous cost that will result to the transportation of the commerce of the country.

They maintained that "the questions involved are, in our respectful judgment, eminently suitable for calm investigation and decision by the public through the agency of fair arbitration and cannot be disposed of to the public satisfaction in any other manner." They suggested as an alternative to the proposals of the President that (1) the railroads should begin on September 1 to so keep the time of all men represented in this movement as to ascertain the difference between what they actually earned on the present basis and what they would have earned on the proposed eight-hour basis; (2) the keeping of these accounts should be supervised by the Interstate Commerce Commission; (3) the whole question of the eight-hour day "in so far as it affects the railroads and their employees should be investigated and deter-

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mined by a commission to be appointed by the President," and to consist of not less than five members. The President evidently considered himself too far committed on the question of an eight-hour day to even suggest to the brotherhoods the acceptance of the railways' proposition. Instead he went before a joint session of Congress on August 28 and asked for the adoption of legislation for the following purposes:

1. The immediate enlargement of the Interstate Commerce Commission.

2. "The establishment of an eight-hour day as a legal basis alike of work and of wages" of railway employees engaged in operating trains.

3. The authorization of the appointment by the President of a small body of men to observe and report without recommendation "the actual results in experience of the adoption of the eight-hour day."

4. "The consideration by the Interstate Commerce Commission of an increase in freight rates to meet such additional expenditures by the railways as might be rendered necessary by the proposed legislation."

5. Full investigation before a strike or lockout may lawfully be attempted of every dispute which might lead to interference with train service.

6. The lodgment in the hands of the President of the power, in case of military necessity, to take control of, and operate, the railways.

The President appealed repeatedly to the leaders of the labor brotherhoods to withdraw the strike order pending consideration of this legislation, and they as often refused. They notified him, Congress and the public that unless a law establishing the "basic eight-hour day" was passed by midnight of September 2 the strike would occur. A bill to comply with their wishes was hastily framed and introduced by Mr. Adamson, chairman of the House Committee on Interstate and Foreign Commerce. While these developments were occurring a remarkable interview with Mr. Adamson appeared in the *Atlanta Constitution*. I quote the *Atlanta Constitution* of August 23 as follows: "Mr. Adamson said he had a conference four months ago with the President and a conclusion was reached as to his course at that time."

With the leaders of the brotherhoods holding a stop-watch on it, Congress jammed through the Adamson bill,

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It was passed by the House on September 1 and by the Senate on September 2. Its salient provision is

> that beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees * * * * who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads.

Electric lines and railroads less than 100 miles long are excepted. The President is authorized to appoint a commission of three to observe the operation and effects of the law for not less than six nor more than nine months, and then report its findings to the President and Congress. Until a period of thirty days after the report is rendered

> the compensation of railway employees subject to this act for a standard eight-hour work-day shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour work-day.

The labor leaders opposed the measure to prohibit strikes and lockouts in advance of public investigation of labor controversies, and the President and Congress abandoned it. The Government of the United States having thus abjectly yielded to their dictation all along the line, the leaders of the brotherhoods recalled the order for a strike.

Probably few persons have failed to note that these events in Washington took place in a Presidential campaign, and to wonder what part politics had in shaping them. Reference already has been made to the seeming indifference long manifested by the Administration in the face of the approach of a national disaster. Reference also has been made to the remarkable similarity between the views expressed by representatives of the labor brotherhoods and representatives of the Administration as to the probability of a strike. Then, we have the very accurate forecasts which were made in Washington and New York as to the way in which both the brotherhoods and President Wilson would conduct themselves, and the extraordinary interview of Mr. Adamson concerning his conference with President Wilson four months before. The conclusion suggested as to the part played by politics is painfully obvious.

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Whether the Administration was playing politics or not, the course it adopted in dealing with the situation was unwise and dangerous in the extreme. It never publicly took a step regarding it until the strike vote had been reported. The Newlands Act, providing a means for arbitrating such disputes, was passed at the joint request of the labor brotherhoods and the railways, and signed by President Wilson. Yet when the crisis reached the President he announced, before he had made any real effort to secure arbitration, that the brotherhoods would not accept it, and that the main question involved was not arbitrable, anyway. It seems probable that the brotherhoods would have been forced by public opinion to arbitrate if the President had demanded it, but of course they would not voluntarily do so after he had espoused their cause and gone even farther than they in arguing for the "basic eight-hour day." The President's action seems to have been predicated on the confident assumption that the railway executives would yield when he insisted on acceptance of his plan of settlement. On their refusing to do so there were left, as a result of his elimination of arbitration, only two alternatives, action by Congress, or a strike. If the strike had come the President's responsibility for it would have been second only to that of the labor leaders; and for the frenzied legislation enacted his responsibility is paramount.

The effects of President Wilson's pronouncement regarding the "sanction of the judgment of society," and of the attempt to give this "sanction" statutory effect on the railways, may be very serious, not only for the carriers, but for the public in general. The new law fixes an eight-hour *pay*-day, not an eight-hour *work*-day. The nature of the service rendered by railways may justify special regulation of the *work*-day of their employees, but it can hardly justify special regulation of their *pay*-day. If the law stands it will result in a large increase in wages which, in the long run, will be paid by the public in the form of higher freight and passenger rates. If a law to fix an eight-hour pay-day in railway train service at the expense of the public can be sustained, why cannot similar legislation for all railway employees and for the employees of all concerns engaged in interstate commerce be sustained? President Wilson did not limit his remark regarding society's sanction of the eight-hour day to railway service.

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While the President says that the eight-hour day has received the "sanction of the judgment of society," the fact is it has as yet received only limited adoption. Reports of the Bureau of Labor give the hours of work in eight different industries employing 317,000 men in 1913 and 1914. A compilation of these shows that only 8,259, or less than 3 per cent of the employees included, worked as little as 48 hours or less per week. Evidently, if an eight-hour pay-day is to be forced upon industry in general, the country is confronted with an economic revolution of the first magnitude, and one which does not seem adapted to help American industry to meet foreign competition in the markets of the world after the war in Europe ends. It does not seem likely, however, that the railways will accept the eight-hour pay-day prescribed by Congress without a determined legal contest.

While it can be questioned whether the eight-hour pay-day has been sanctioned by the judgment of society, it cannot be questioned that arbitration of railway labor disputes has been thus sanctioned. The attitude of American society has been expressed by the enactment of the Newlands Mediation and Arbitration law. This law provides, however, for voluntary arbitration only, and in the recent struggle voluntary arbitration broke down completely. But the country must be relieved of the danger of nation-wide railway strikes. On this point President Wilson and all other parties, except the leaders of organized labor, are agreed. Everybody knows now that such strikes can and may occur, and the law providing for voluntary arbitration having broken down, the public welfare demands some stronger measure. Probably the next step in advance should be the passage of a law similar to the Canadian Industrial Disputes Act, providing that no strike or lockout which will interfere with railway service may be declared until some tribunal representing the public has investigated and reported upon the matters in controversy. The duty of conducting such investigations might be delegated to some new body, but it would appear that it could be best and most appropriately performed by the Interstate Commerce Commission. Wages are the largest element in railway expenses, and, so far as there is to be regulation of them, it would seem that it should be intrusted to the body that regulates railway rates and earnings.

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The recent crisis directs attention forcibly to the extraordinary influence which labor organizations are securing in the public affairs of the United States. Some years ago the nation began to feel concern regarding the power which was being acquired by large aggregations of capital. This has led to the enactment and enforcement of numerous laws for the control of the activities of capital, and the political influence of large corporations has been largely destroyed. Meantime, organized labor has been resorting to methods similar to those which aroused the fear and indignation of the public against organized capital. The American Federation of Labor and the railway labor brotherhoods are constantly represented by lobbyists at the various State Capitals and in Washington. The results of their activities have been writ large in the statute books of almost all the States. For example, the railway brotherhoods have secured the enactment of numerous State laws, such as those providing for the employment of extra men in train crews, which tend directly to interfere with the efficiency of railway operation and to increase railway expenses.

One of the worst examples of the legislation which has been secured by labor unions at Washington is the provision of the Clayton Act exempting such organizations from the operation of the Federal anti-trust law. The anti-trust law prohibits conspiracies in restraint of interstate trade and commerce. The recent order of the railway brotherhoods for a strike grew out of and would have given effect to a conspiracy not merely to restrain but to suspend all interstate trade and commerce. And yet, because of the class legislation embodied in the Clayton Act, it was assumed, and perhaps correctly, that those who formed this conspiracy could not be proceeded against under the anti-trust law. When organizations of labor can secure such class legislation as this provision of the Clayton Act and without interference can enter into such a gigantic conspiracy against trade and commerce, and when, in addition, they can extort from Congress such legislation as the so-called "eight-hour day" law, they have acquired a control over our Government far exceeding that ever possessed by the "malefactors of great wealth" in their palmiest days.

It may be said that organized labor at least constitutes a larger part of the public than the managers and bene-

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ficiaries of organized capital. But the railway brotherhoods comprise less than 20 per cent of railway employees, and a large majority of all railway employees do not belong to any labor unions. Furthermore, it is estimated by Prof. George E. Barnett of Johns Hopkins University that the members of all labor unions comprise only 6 per cent of the "gainfully employed" persons in this country. Therefore, the power which the labor unions have acquired over American Government is a power which is possessed and exercised by and for a comparatively few people and at the expense of the entire nation.

The whole situation raises a question as to the future of democracy itself. Democratic government does not consist in government of the many by and for the benefit of a few, whether this few be members of the capitalist class or members of labor unions. It consists in "government of the people, by the people and for the people." It can hardly be contended that legislation such as that for extra men in train crews, for exempting labor unions from the operation of the anti-trust law, and for an eight-hour pay-day for only 20 per cent of railway employees without regard to the effect on the other 80 per cent of railway employees or on the public, affords an exemplification of "government of the people, by the people and for the people."

SAMUEL O. DUNN.

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PROHIBITION'S LEGISLATIVE EFFORTS

BY L. AMES BROWN

THE new means by which many of the prohibition States have sought to make their laws effective has been the enactment of legislation limiting the quantity of liquor which a citizen may import into a prohibition State from an adjoining State. This legislation utilizes the power opened up to the States by the Webb interstate liquor shipment law through the suspension of inter-state commerce safeguards from liquor shipments intended for illegal use in prohibition territory. North Carolina has the "two-quart" law, which prohibits the importation of more than two quarts monthly by an individual. Practically all of the prohibition States have either adopted or given serious consideration to laws of this character. West Virginia has gone still further in availing herself of the new State power and has adopted a statute which makes it unlawful for a carrier to deliver a shipment of liquor ordered from without the State in response to an advertisement. The constitutionality of this law is about to be passed upon by the Supreme Court. President Taft, Mr. Attorney General Wickersham and many important legal authorities question the constitutionality of the Webb law, but, on the other hand, there are lawyers and jurists of high standing, including Chairman Webb of the House Committee on the Judiciary and at least one United States Circuit Judge, who hold the opposite view. The import of the West Virginia case in the Supreme Court is that if the Webb law is declared constitutional and the West Virginia law viewed as a valid application of it, there will be no ready excuse for the failure of a legislature in a prohibition State to make that State very nearly "dry," except that its constituency does not sincerely believe in such aridity.

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Already it is evident that these State enactments are to have an important influence upon the future of the prohibition movement. In the months since they have been in operation they have constituted a definite and effective force for the abatement of drinking. States which have been listed as "dry" for several years have experienced a rigorous approximation of actual prohibition, since their so-called "quart" laws were adopted. The Southern prohibition States have entered upon the staunch enforcement of their new laws, with the result that great progress has been made in eradicating unlawful selling agencies and in reducing the consumption of liquors.

But regardless of the future effect of the new State legislation upon the national prohibition movement, there are ample grounds for the supposition that there has been an abatement of Anti-Saloon League enthusiasm in the period during which this legislation has been mooted. It requires no great mental effort to perceive that thoughtful voters, who have been centering their mental energies on a test of a newly available remedy for the drink evil, will not at the same time continue at a high pitched fervor for another remedy.

All of the foregoing relates to the general causes by which the abatement of the prohibition movement can be explained. It is in the nature of circumstantial evidence. There are, however, direct and unquestionable indications that as a movement it has not gone forward, in the period under examination, to the extent designed by the Anti-Saloon League leaders.

The House Judiciary Committee at the present session of Congress adopted a motion indefinitely postponing consideration of the prohibition resolution. In explaining that act, which was heralded in the newspapers as an important set-back for the prohibitionists, a member of the committee said:

"The committee's action was taken and concurred in by the members of the committee who favor prohibition because the prohibitionists realize that they can probably get more votes after the November election than before. It would mean nothing to us to have another test of strength in the House and get no more votes than we got in the roll call on the Hobson resolution in 1915."

Practically the same explanation has been given of why

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the prohibition leaders did not make sincere efforts to force a vote on the Shepard prohibition bill for the District of Columbia at the session of Congress just adjourned. In the Senate nothing worth while is to be gained by another failure, even though the failure be due to technical obstructions and reveal surprising strength for the prohibition forces. An important admission is implicit in these explanations; the prohibition cause is no stronger now than it was a year ago.

Turning to election results on the prohibition issue in the various States, we observe strong grounds for the belief that the propaganda is not making the desired headway. In Ohio, in the fall of 1915, a prohibition amendment to the State constitution was defeated by a majority larger than that registered against it in the 1914 election. It was quite evident from the Ohio returns that the prohibition cause had experienced a set-back in the previous year of campaigning. The outcome was sufficiently decisive to convince students of the political situation that a considerable period will elapse before Ohio enters the prohibition column.

In Vermont a prohibition amendment to the State constitution was turned down by a decisive majority in the early part of the present year. The people of Vermont have relied upon the local option system since their repudiation of the prohibition law adopted in Neal Dow's time. They have elected to continue this system. In the April local option election in Illinois, fifteen wet townships excluded saloons, whereas ten dry townships returned to the license system. It was the first time since the adoption of the Illinois local option law in 1912 that any important number of the dry townships had changed back to the license system.

The Anti-Saloon League has waged a most energetic campaign in New York State for the adoption of a local option law during the session of the 1916 legislature. The campaign has been wasted effort, however, except for its possible educational effect, for the session closed with the Anti-Saloon League State Superintendent assailing the controlling influences of both the majority and minority in the Assembly. Governor Whitman promised to sign the local option bill if it should come to the State House for his signature, knowing well that the Assembly was certain not to pass it. In Maryland, a local option State, a sensational campaign was waged by the Anti-Saloon League in favor

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of a State-wide prohibition referendum. The legislature's enactment approved in February is recognized as a makeshift, however, and its authors have been denounced bitterly by the prohibitionists. In Kentucky, Augustus U. Stanley has been elected Governor on an anti-prohibition platform.

A sheet of campaign literature issued by the Methodist Temperance Union from its headquarters at Topeka, Kansas, November, 1915, announced that in the present year State-wide campaigns would be carried on in Delaware, Florida, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico and Utah. Thus far the campaigns have not achieved political importance in any of these States except Nebraska.

In the prohibition debate in the House of Representatives, December, 1914, Representative Hobson of Alabama, spokesman for the Anti-Saloon League and floor leader of the prohibition forces, declared:

> I here announce to you that the great temperance and prohibition forces of this whole nation will make this question the paramount issue in 1916, not only to gain a two-thirds majority in the two Houses of Congress, but to have an Administration that neither in the open nor under cover will fight this reform.

In 1915 the national officers of the Anti-Saloon League issued this statement from Washington:

> Just at this time, when the party leaders are looking for available candidates for the Presidency next year, it will be well if they will carefully consider one or two things. The united prohibition forces of the country will oppose the candidacy of any man who voted against the Webb interstate shipment law or voted against the resolution to submit the national prohibition amendment to the States, or who advocates only the States' rights policy of dealing with the liquor traffic.

These were fairly definite pronouncements of an ambitious plan the Anti-Saloon League had to make its influence felt in the present national campaign—a plan which has come to naught. The political parties have completely ignored prohibition as a national issue and completely disregarded the announced wishes of the prohibitionists' organizations. The Democratic National Convention renominated Mr. Wilson despite the dire threat of the Anti-Saloon League officers, and then proceeded to adopt a platform which omitted to mention prohibition. The Republican National

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Convention nominated Mr. Hughes without thinking once whether he was in favor of or opposed to constitutional prohibition. There were several subjects on which Mr. Hughes's views were awaited with the liveliest curiosity by the Republican leaders, but prohibition was not one of them, and hardly anybody at the convention gave a thought to placating the political leaders of the prohibition movement. The platform committee of the Republican convention refused to insert a prohibition plank in the party campaign declaration. Not even the Progressive platform took up the subject of prohibition.

The implication of the proceedings at Chicago and St. Louis is that for the time being the prohibition organization has been shorn of a considerable part of its power in national politics. The basis of this power always has been the ability of the prohibition leaders to draft men out of the political parties and have them assert the paramountcy of the drink issue. In times like these, when political discussions are given over mainly to the vital matter of international relations, in which the national honor as well as the national welfare is concerned, men have a diminished interest in things unrelated to it, and the number of men who are willing to regard prohibition as the paramount issue of the campaign is so small as to be negligible. All of these generalities are put forward in full knowledge that the Prohibition party under the leadership of Mr. Hanly of Indiana, its Presidential candidate, is destined to arouse a great deal of popular interest before the close of the present national campaign; it seems likely that the "vote of protest," certainly a goodly portion of it, will turn to the Hanly candidacy as the most efficacious available instrumentality for liberating its resentment at the existing order.

L. Ames Brown.

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I HAVE A RENDEZVOUS WITH DEATH

BY ALAN SEEGER*

I have a rendezvous with Death
At some disputed barricade,
When Spring comes round with rustling shade
And apple blossoms fill the air.
I have a rendezvous with Death
When Spring brings back blue days and fair.

It may be he shall take my hand
And lead me into his dark land
And close my eyes and quench my breath;
It may be I shall pass him still.
I have a rendezvous with Death
On some scarred slope of battered hill,
When Spring comes round again this year
And the first meadow flowers appear.

God knows 'twere better to be deep
Pillowed in silk and scented down,
Where love throbs out in blissful sleep,
Pulse nigh to pulse, and breath to breath,
Where hushed awakenings are dear.
But I've a rendezvous with Death
At midnight in some flaming town,
When Spring trips north again this year,
And I to my pledged word am true,
I shall not fail that rendezvous.

*(*Killed in battle at Belloy-en-Santerre,* July, 1916).

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THE CREATIVE MYSTERY

BY WILFRID L. RANDELL

THE first written story, probably scratched on a tablet of smoothed bark or slate, must have been a record of an actual occurrence. Even if it merely reproduced in rough, almost illegible characters, the legend of past battles or of heroes hitherto commemorated only in ballad or in song, it was no less the fixing of a fact; and we can amuse ourselves by picturing the student with his tools, the centre of an admiring crowd, successful and happy in having constructed a visible, tangible memory—something that could be handled and carried about, circulated, scanned again and again. For many centuries after this great event, this first meeting of the author in the pride of composition with the public eager to read his work, the "book," if we may so term it, was concerned with the setting down of facts—hard, irrefutable, unimaginative facts. It told, for the benefit of others who were not present, what somebody did, and later on, doubtless, what somebody said. Not until other centuries had rolled round, we may suppose, did that lightning-flash of inspiration illumine some especially receptive mind whose owner suddenly, in a fine frenzy of invention, bethought himself of putting on record what somebody *might* have done, or *might* have said. As yet, every book was a work of reference.

The moment which marked the possibility of describing things that *could* happen, or that *might* have happened, buried as it is now is in the irrecoverable deeps of time, marked also the onset of a wonder-working change that stretched down the ages, until, by a thousand tentacles, it entangles the life of today. It implied the dawn of imagination, the beginning of the creative mystery by which a myriad differing visions are clothed with flesh and blood

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and given to the vital breath. The teller of stories began to perceive—very slowly, indeed, that within his own limited being lay a strange, unsuspected, unlimited power: that he possessed a magic crucible by which all things he observed, all things he heard, might not only be stored as memories, but might be transmuted, re-cast, projected and given forth in a marvellous semblance of life. Astonishing vistas were henceforward opened to his fascinated gaze, though stumbling indeed must have been his first bewildered steps in the effort to explore their endless, lonely labyrinths. Yet, as from the crude, imitative daubs of the troglodytes rose the glorious realm of pictorial art, and as from the ancient poets and *trouvères* grew the stately palaces of literature, so, from these hesitating attempts to ensnare the bright gleams of imagination, the vast enterprises of the fiction of modern times may trace their lineal descent.

It is of permanent interest to endeavor to follow, even for a brief period, the results of this enormous development of human appreciations, to consider what is meant, and to glance at certain difficulties immediately evolved by its progress. And first, a pretty problem in psychology confronts the student, a problem as full of latent argument as the recurring assertions that the actor should, or should not, feel the emotions he portrays. It is indeed rather of a kin with this favorite puzzle of debate, though, by leave of the dictators of the stage, we may set it upon a higher plane. If, for convenience of treatment, we momentarily narrow it down for illustration to a familiar example—that of Charlotte Brontë—it will not mean the revival of any unprofitable discussions or dissensions as to claims of authorship. The bare statement is this: a young woman, living quietly in a country parsonage, conveys into her novels far more than she has ever seen or heard or experienced, and conveys it so convincingly, so strongly, that few flaws can be found with the presentment and arrangement of her material. Her one-sided correspondence with her Professor will not suffice to explain the mystery; how then shall we approach it, how comprehend it?

Since Charlotte Brontë lived and wrote, the course of prose fiction is strewn with illustrations, not, perhaps, as striking, but certainly quite as curious. Characters in fiction may be roughly divided into two broad classes; those based on observation of a particular person, sometimes to

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such an extent that we can recognize them; and those based on general observation—imagined, yet bearing authentic attributes of human nature. To the former class belong Vernon Whitford in *The Egotist;* Mr. Micawber; certain personages in recent novels of Mr. H. G. Wells; and, we believe, sweet Milly Theale in *The Wings of the Dove.* To the latter class belong an immense number of characters, ranging from Sir Willoughby Patterne and Mr. Rochester to the Prince in *The Prisoner of Zenda* and the heroes or heroines of innumerable unimportant stories of amorous or political intrigue. It is odd to recall the blunders some writers have made when attacking this problem. Trollope, rarely a sound critic (he was much too plodding and level-headed to be that, for all critics should have reckless and splendid enthusiasms) when he was analysing Blanche Amory in *Pendennis* came across this passage: "For this young lady was not able to carry out any emotion to the full, but had a sham enthusiasm, a sham hatred, a sham love, a sham taste, a sham grief; each of which flared and shone very vehemently for an instant, but subsided, and gave place to the next sham emotion." He was moved thereupon to write: "Thackeray, when he drew this portrait, must certainly have had some special young lady in his view." It may or may not have been so; but nothing is less likely if we are to suppose this a rule. Thackeray was one of the creators; in the general flow of his mind he, in common with others, was able to imagine and to "describe" almost at will those who should best carry on his scheme. Incidentally, a few pages earlier in the book Trollope unconsciously assumes his proper aspect by stating didactically: "The object of a novel should be to instruct in morals while it amuses."

It would seem that in many cases the strenuous efforts made by certain modern writers to obtain "local color" are unnecessary. "The description of the characters is well done," says the routine reviewer—as though he referred to a joint of beef; and perhaps the characters, speaking strictly, were not "described" at all, but were subjective, called into being by that ready inward vision, to be scrutinized and noted as fit themes by the brain, half producer, half critic. Introspection, at its most subtle stage of refinement, is here in full employment; but it is not precisely the faculty or process depicted by those whose business it

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is to study the intricacies of the mind. "Introspection," wrote a noted psychologist, "is very often the direct inspection and perception of experience, whereby its different elements and their aspects are classified, tabulated and compared. When we have to deal with complex experiences or trains of experiences, we must often reconstruct them gradually in repeated trials by memory, and if we fancy our memories may deceive us, try to register their simplest or most distinct effects, and by the study of these ensure a better and fuller remembrance and description of them." This, however, will not help us at all to comprehend the inward vision of the creative artist; so far from finding the elements of his experience "classified, tabulated and compared," he has often *to make his experiences for himself.*

It is perfectly true, of course, that we cannot imagine anything of which we have previously had no knowledge. We can picture a flying cow, but we are familiar with cows and with wings; we can see with the mind's eye distant rivers and mountains and icy wastes as described by explorers, but we are familiar with their component parts. We cannot conceive, try how we will, an animal lacking head and body and tail; nothing so extraordinary has ever come within our range. Even the strenuous ingenuity of Swift could merely exaggerate humanity in the Brobdingnagians, diminish it in the Lilliputians, and distort it in the Houyhnhnms. From the persons and places and objects which we have seen and read of, from the conversations we have heard, it is possible, however, to construct any number of combinations and elaborations. On a basis of fact, the imaginative artist builds a structure so firm and shapely and imposing and sometimes so beautiful that he wins from the world the final, incontrovertible title of creator, even though we know quite well that what we behold is but his dreaming made manifest.

The mediocre novelist, entertaining though he may be, and skilful at his task by using the impalpable, diffused "material" accumulated by his busy brain, never reaches this stage. His characters may have individuality, may be recognizable and well differentiated, but they fail to move us. Individuality and personality are two very different attributes: the one is the mechanical working model, the other the living, breathing man. Illustrations may easily be drawn from the books of acknowledged masters. Trol-

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lope, for instance, was a master of the art of mere story-telling, but his people are organisms of a low degree of vitality. Their movements interest us exceedingly, but they never become as intimate friends or arouse a definite enmity; we meet them with pleasure, we leave them without a sigh. Even Mary Thorne, perhaps the most attractive woman he has given us, losses her value the moment the tale closes with her marriage to Frank Gresham—we feel that she has accomplished her life's work, has held out bravely until the last knot of a clever tangle has been unravelled, but that the impact of her personality has been very trifling.

To examine, by way of contrast, the work of a master such as George Meredith is to realize a difference that is startling. Despite the almost metallic brilliance of the conversation in such a book as *One of Our Conquerors*—a brilliance which has at times even a disruptive tendency—we are forced to feel the problem of Victor and Nataly; we are smirched with the lost honor; the crash of the terrible final collapse rings in our ears; and, though we prefer to regard Meredith as artist rather than moralist, the message thunders at us from the ruins. Here is a triumph of personality in fiction. The creative mystery is no less vivid in the work of Mr. Thomas Hardy. Who can fail to visualise Tess as a suffering human being? We set the story aside to think of her and her troubles; the grim pursuit of fate reacts upon the reader; the creation of the novelist's brain has achieved the garb of flesh, has walked and talked with us. And in one respect Mr. Hardy has the advantage of Meredith: his minor characters, almost without exception, are as convincing as his heroes and his heroines. If we take another example, from the work of Mr. Henry James, we are on more delicate ground; he has his select circle, and it increases but slowly. Few would venture to deny his paramount creative power, his projection of a score of living fictional personalities. Turning back to Charles Dickens, we find the line of demarcation between individuality and personality difficult to draw; in so many cases Dickens invented some easy, exaggerated peculiarity for his characters and let it stand as a label of sure identification—a mean way of shuffling out of the true creative task. Certain of his chief characters—Uriah Heep, for example—simply " give away " the trick—albeit the trick of a superb craftsman. Yet we are bound to concede that creation went

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hand in hand with observation in so amusing a couple as the Wellers, and that in some instances, such as the Cheeryble brothers, Captain Cuttle, Mr. Pecksniff, Mary Tapley, and others that will be brought to mind by a moment's reflection, Dickens succeeded in reaching a more purely creative plane.

Is, then, the creative mystery exhibited so freely by so many exponents, explicable as a matter of practice or perseverance? The men whom we have considered were men of the active world, competent and shrewd; Charlotte Brontë, compared with them, was a secluded flower in a country garden. Wherein lies the secret?

For a satisfactory reply to this question we should clear from our minds the notion that travel and wide experience of the world are necessary elements in the composition of the creative force; we must contemplate the point briefly in the light of pure psychology. Tremendous adventures of the soul may take place in an armchair by the fire. "The man's true life," said Robert Louis Stevenson in an inspired passage, "for which he consents to live, may lie altogether in the fields of fancy. The clergyman in his spare hours may be winning battles, the farmer sailing ships, the banker reaping triumphs in the arts." And if, as a modern poet-philosopher has put it, "all that happens to us is divinely great, and we are always in the centre of a great world," we may be certain that the creative impulse has abundance of material to labor upon when its subtle urgings begin, scanty though its field may seem to the superficial observer. Scorning the limitations of the body, the mind sets forth, exploring, hovering, selecting and rejecting, exulting in the perpetual variety of its vision and the perfection of its freedom. Placing its own conceptions within other imagined minds, it watches them develop and move independently, and thrills to find them suddenly endowed with separate life, working out their unearthly destinies, equipped with volition and a sphere of action.

Can it, then, capture this wonder, snare it confidently in the net of words?—for without this entirely distinct and final process all far flights of creative fancy must be in vain. The artist, controlling, patient, persistent, compels himself to answer this question, which is ever before him. The sculptor, seeing the statue in the block of shapeless marble, may know inspiration and despair; but with quick, careful

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hand he chisels away the rough surface until the desired outline appears. So is it with the creative literary artist: sometimes eager, sometimes downcast, he strives to finish that last necessary labor by which alone his dream may be sent abroad to enchant his fellows. Yet, just as miracles might be termed the language of heaven, whose transcendent alphabet we mortals are able to scan and puzzle out letter by letter, so the human creator feels that he is but piecing together faithfully the smallest sentences in a majestic language which as yet is not clearly apprehended. One who has spent a long life in the exposition of complex relationships and interactions assures us that he is compelled to realise that so far he has touched the merest outer fringe of his chosen subject; yet he has penetrated farther than most men into this mysterious region of wraiths, fantasies, echoes and undertones. He is humbled, as we all are when a glimpse of the truth takes us by surprise, at the splendor of the vision and the incompetence of the interpreter; he feels that the greatest of us suffers a sense of artistic destitution—he sits, poised, hesitant and abashed, with pen in unready hand, before the presence of beauty that makes him ache to record its lightest reflections—to *create,* in an earthly medium, the fashion of spiritual things.

Astonishingly, indeed, have we travelled in our quest: We have seen that the creative artist may be the silent central point of a brilliant universe; that his experiences may be love-laden without love; convivial without companions; spacious and assured without wanderings in strange lands; agitated and impetuous without discordant voices; furious and wounded without the shock of battle; and that the secret thoughts of a man, his memories and fancies, incommunicable unless he pleases, compose, in the most profound and significant sense, his life itself, wherein as to friendly shelter he may withdraw, secure, unapproachable, supremely content, to give forth in due time the adventures of his soul.

WILFRID L. RANDELL.

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SOME BROWNING REMINISCENCES

BY ARTHUR SYMONS

I

In *Memorabilia* Browning wrote:

> Ah, did you once see Shelley plain,
> And did he stop and speak to you,
> And did you speak to him again!
> How strange it seems and new!

He wrote these stanzas on the poet and the man whom he admired beyond most other poets; whom he praised in prose, speaking of "this young Titan of genius, murmuring in divine music his human ignorance, through his very thirst for knowledge, and his rebellion, in mere aspiration to law. But I prefer to look for his highest attainment, not simply the high,—and seeing it, I hold by it. There is surely enough of the work 'Shelley' to be known enduringly among men, and, I believe, to be accepted of God, as human work may." So it is I who write these words who had high privilege, denied by Shelley's death to Browning, of meeting Browning once, and once only.

My *Introduction to the Study of Browning* was printed in 1886, when I was living in the country. I sent copies of the book to George Meredith, Robert Browning and Walter Pater. Before then I had written to Meredith, sending him, with the printed proofs, my intended dedication. He answered in this noble and august letter, saying:

> I am honoured by the proposal to dedicate your book to me, and accept with a full sense of the distinction. Permit me, however, to name one reserve. I should be pained by your public statement that I am the "greatest of living novelists." It rings invidiously. As to Browning, my love of him runs beside yours: yet even in his case, whatever you and I may think, the term "greatest" strikes a harsh

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note in many ears. Your just eulogy sufficiently establishes that high poetic worth. It seems to me that the measure of greatness belongs to posterity. As regards me, personally, there is, you are aware, a heavy opposition that would not brook the epithet. I may well shrink from superlatives of praise.

I changed the terms of the dedication, which satisfied him. In reply to my sending him my printed book, he wrote:

I have gone through it with advantage—with some of my old thrills of love for him, when as a boy I chafed at the reviews of *Bells and Pomegranates*. You have done knightly service to a brave leader.

Browning wrote to me from Llangollen, saying:

How can I manage to thank—much more praise—what, in its generosity and appreciation, makes the poorest recognition "come too near the praising of myself"? It does indeed strike me as wonderful that you should have given such patient attention to all these poems, and (if I dare say farther) so thoroughly entered into—at any rate—the spirit in which they were written, and the purpose they helped to serve.

Pater wrote to me from Brasenose College, saying:

Accept my sincere thanks for your very interesting and useful volume on Browning, one of my best loved writers.

He gave me his address in London, adding:

where I should be much pleased to make your acquaintance, should you be able at any time to give me a call.

I called on Pater two years after he had written to me: the result was an intimate acquaintance with him which ended about two years before his death.

James Dykes Campbell had read all my proof-sheets, covering them with a network of criticisms, to the immense advantage of my prose. I must, I think, have made his acquaintance at least a year before that unforgettable Sunday, August 25th, 1889, when he introduced me to Browning. And here I give a few words in regard to the most helpful and judicious friend whom I could possibly have had at my elbow.

To the general public he was scarcely a name, at most a set of initials, "J. D. C."; and it was not until the recent publication of his extraordinarily careful edition of Coleridge's poems, and of the minute and masterly Life of Cole-

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ridge, that his name was ever seen on the title-page of a book. Yet he was a specialist in a particular branch of literary scholarship, the greatest living authority on Coleridge, Lamb, Wordsworth, and their circle; and his general literary knowledge was probably as extended, and certainly as exact, as that of any contemporary student and critic of letters. Widely read in modern literature, with a strict taste in the appreciation of it, he discovered for himself most of the eminent writers of his time, long before the public had become aware of their existence; but it was no part of his province, as he conceived that province, to proclaim his discoveries. Few men so widely and so profoundly gifted have ever subordinated themselves so completely to the most thankless of literary duties, and to the helpfulness of a disinterested literary conscience. Never professing to be a scholar, he gave his life to the drudgery of a minute, and for the most part unrecognized, literary scholarship. He desired no fame, sought for no rewards, allowed himself no privileges but the passionate satisfaction of an absolute exactitude. People who wrote books on any of the subjects in which he took especial interest came to him with their proof-sheets, and he rewrote their books for them. No name is so frequently referred to with gratitude at the end of prefaces, but few are aware how much is meant by these acknowledgments of help received. He was Quixotic in his disinterestedness; and as truly as it may be said that he devoted his life to an idea of scholarship, so truly may it be said that he devoted his life to an ideal of friendship. He would not allow his friends to do without him. Nor was this helpfulness confined to literature. There are some who look upon him as at once the guide and comrade of their lives: tireless in kindness, constant and unerring in counsel, such a friend as a man may hardly meet twice in a lifetime. And for those even who knew him but slightly he had the charm of a gentle, humorous, and instinctively winning nature, the entertainment of a singularly vivid and varied personality. That personality is scarcely to be realized from his published writings: it can only be truly apprehended from his private letters, which, in their pithiness, wit, and felicity of conversational style, might be taken as models of familiar letter-writing. Here, again, he gave the best of himself to his friends, who alone can estimate at their true value the fineness of a nature, the keenness of an intellect, the charm of a tempera-

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ment, which were never submitted to the general judgment of the world.

As a matter of fact, in November, 1887, I had sent Dykes Campbell a poem of mine called *The Revenge*. I quote from his letter this anecdote:

> I wanted, before writing, to get a chance of showing your *Revenge* to Browning. Opportunities came, but were always interrupted—but this afternoon late I caught the great man alone with his sister and handed him the MS. without a word. Until he turned the leaf I believe he thought the lines were mine. He read them through and said: "That's very good," and he read them again and said, "*very* good, very good *indeed*." The story he knew in Stendhal, "but the ending is original and very fine indeed." I told him how thoroughly I was of that opinion, and asked if I might gratify you by telling you his. And he replied: "Certainly. I hope you will tell Mr. Symons that I think very highly of the poem. I have only one suggestion to make—to alter the rhyme at the ends —*then* and *vain*. That's a trifle, easily managed."

Of course I took his suggestion and changed the wrong rhyme into the right one. The lines run now as follows:—

> and lo,
> She rose, she caught it, all her face one glow,
> And clasped it to her bosom, and smiled again,
> And died.
> So my revenge had been in vain.

On the 22nd of August, 1889, I wrote to Campbell proposing that I might, if it were convenient to him, run up to London the next day. I received a wire: "Please come, delighted to take you to see Browning. Campbell." I arrived at Victoria Road early on Sunday morning: the arrangement was that we were to go to 29 De Vere Gardens, where Browning lived. On the way Campbell said to me that he had just looked in to see if Browning would be willing to see me, and that Browning had said: "I am *always* glad to see anyone that you bring to me, but I shall be *particularly* glad to see Mr. Symons."

As soon as Campbell had introduced me, Browning shook my hand, saying how delighted he was to see me; and he drew me right across the long room, holding me by the hand; then he thrust me, in a way peculiar to him, into an armchair by his side. There sat beside me the great Poet whom I had adored to the point of idolatry: the man in the Poet visibly

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there; for in the greatest of poets the genius is seen in the man.

I still recall Browning's violence of voice; it had the whole gamut of music, it vibrated, it thrilled me, by certain touches of rare magic in it. His gestures were sudden, spontaneous, wrenched out of him by the need of adding gesticulation to words, after the fashion of foreigners. And foreign enough he seemed to me then!

While we were talking of Poe's prose, I referred to *The Raven,* and to his curious analysis of that strange poem's creation. In spite of his use of a classical metre, the form of the stanza and the use of triple rhymes are inventions. "My own," he wrote proudly on it, "has at least the merit of being my own. No writer, living or dead, has ever employed anything resembling it." Baudelaire wrote: "Certain people who have read the singular poem *The Raven* might be scandalized if I analyzed the article, where our poet has apparently ingenuously, but with a slight impertinence that I cannot blame, minutely explained the form of construction he has used, the adaptation of the rhythm, the choice of a refrain,—the briefest possible and the most susceptible of varied applications, and at the same time representative of melancholy and of despair, with one sonorous rhyme (*Nevermore*); the choice of a bird capable of imitating the human voice, the raven, usually supposed by one's imagination to be fatal and funereal; the choice of sentiments of melancholy and of love for one that is dead. So he placed the hero of his poem in a poor position, because poverty is trivial and contrary to the idea of the Beautiful. So has melancholy had for abode a room magnificently and poetically finished." "I have said," he continues, "that this article seemed to me salted by a slight impertinence. The partisans of inspiration perhaps may not fail to find here a blasphemy and a profanation; but I believe that it was for them that the article was specially written."

Poe himself, with his usual insolence, wrote, when this poem was printed in 1845 in *The Evening Mirror,* signed "Quaker," a note, unsigned, in which he says: "The following lines from a correspondent, besides the deep, quaint strain of the sentiment, and the curious introduction of some ludicrous touches amidst the serious and irrepressible, as was doubtless intended by the author—appear to us one of the most felicitous specimens of unique rhyming which has

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for some time met our eye. Alliteration is nearly the only effect of a kind of unrhymed verse which the ancients had in common with us. It will be seen that much of the melody of *The Raven* arises from alliteration, and the studious use of similar sounds in unusual places."

Mrs. Browning, then Miss Barrett, wrote of it in a letter:

> This vivid writing! this power which is felt! *The Raven* has produced a sensation—a fit horror here in England. Some of my friends are taken by the fear of it, and some by the music. Our great poet, Robert Browning, the author of *Paracelsus* and *Bells and Pomegranates,* was much struck by the rhythm of that poem.

Now it was Browning himself who told me and Dykes Campbell that a certain Buchanan Read had said to him that Poe had described to him the whole process of the composition of his poem, and declared that the suggestion of it lay wholly in a line from *Lady Geraldine's Courtship:*

> With a murmurous stir uncertain, in the air the purple curtain;

a line he compared with his:

> And the silken, sad, uncertain rustling of each purple curtain.

"'And every word a lie,' said old Read," said Browning to me.

Browning talked of his grandfather—so original a man—and of Tennyson, whom he praised generously. Then began a discussion between the three of us concerning the question of long and short poems. I audaciously contended that poems ought to be short; evidently remembering the saying of Poe "that a long poem does not exist." Browning declared that he saw merit in magnitude, with picturesque comparisons. One comparison that greatly struck me was that between "a nut and a mountain." I saw then that he was thinking of *The Ring and the Book;* and I imagined that, always, the entire throng of his creations were moving in the hollow of his mind.

Then he spoke of a letter he had just had from Tennyson: "it was something *sacred,* he would not on any account that it got into the newspapers; even the fact that he had it; he could not show it to us, it was too sacred." All this he said in a voice of genuine emotion. By hazard I spoke of Olive Schreiner's *Story of an African Farm.* "Have we

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read it, Sis?'' he asked Miss Browning, who had joined the group. No, she had not.

All this while Campbell had been conversing with Sarianna, to give me the chance of having my whole talk out with Browning. Nor did any of us imagine for an instant that we should never again see Browning. For, as we left, he shook my hand very warmly, expressing the hope of seeing me again when he had returned from Venice to London.

So it was with a great shock that I heard from the lips of my mother that Browning was dead.

II

In their later work all great poets use foreshortening. They get greater subtlety by what they omit, and suggest to the imagination. Browning, in his later period, suggests to the intellect, and to that only. Hence his difficulty, which is not a poetic difficulty; not a cunning simplification of method like Shakespeare's, who gives us no long speeches of undiluted, undramatic poetry, but poetry everywhere like life blood.

Browning's whole life was divided equally between two things: love and art. He subtracted nothing from the one by which to increase the other; between them they occupied his whole nature, in each he was equally supreme. *Men and Women* and the love-letters are the double swing of the same pendulum; at the center sits the soul, impelled and impelling. Outside those two forms of his greatness Browning had none, and one he concealed from the world. It satisfied him to exist as he did, knowing what he was, and showing no more of himself to those about him than the outside of a courteous gentleman. Nothing in him blazed through, in the uncontrollable manner of those who are most easily recognized as great men. His secret was his own, and still, to many, remains so.

Browning's letters have been condemned by those who are ashamed of the nakedness of truth. It was out of human charity that Browning allowed the revelation of this gospel of love. It leaves all other love letters in an outer sanctuary. And they are almost all written as asides. As Mrs. Browning noted in *Sordello*, his mind worked forward in circles, illustrating and developing every idea with a kind of tenacious imaginative ingenuity. He cannot state a fact simply, or express an idea without lingering over all its corollaries.

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In his desire to be minutely explicit, he uses what are never found in his poetry, italics for emphasis, further complicated by a multitude of dashes, with notes of interrogation meant to give a subtle new turn to a statement nearly completed. He labors to say more than words can say; and is now dragged back by them, now sets them gloriously alight. Some of his finest flashes of poetry, his rarest images, his most intricate intuitions, almost terrifying in their certainty, are to be found in these letters, annihilating a crammed pedantic discourse. Under all this flowing and tossing to and fro there is visible a steady current, which no obstacle can keep back from its course to the sea. This mind, which whirls, never hesitates. Whatever is, to Browning, is from eternity. No man was ever more sure of himself, so certain of right and wrong, so confident in God, so content with life. He knows love at sight, and then has only one height to climb after another, one glory after another to put on. A sober and unbending ecstasy runs from end to end of the letters, like continuous lightning. They are the stammering of the divine child Love.

ARTHUR SYMONS.

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CULTURE

BY WILLIAM CHASE GREENE

THAT this is the age of the child, we can no longer doubt. His pretty lisp has become our text-book; our very gospel bids us seek his smile. The old-fashioned teacher has learned to go to school that he may sit at the feet of his pupils. Nor is there any hypocrisy about the relation. We have not forgotten the proud manifesto of the pedagogue who declared, "I don't try to teach my pupils anything; I try to educate them by encouraging them to express their personalities." Indeed, in the doctrine of the Roman lady who personifies the children's movement may be recognized only a guarded application to children of the motto devised for the cultivated inmates of the Abbaye de Thélème—"*Fay ce que voudras.*" We have brought the elective system from the university to the cradle.

Yet it is not only in the school and in the nursery that the child reigns. In the theatre, in the Sunday paper and the illustrated magazine, amid the monstrous *bonhomie* of the smoking-room, one may hear his amiable prattle. But it is a serious child, grown old in the art of introspection. "Let the other fellows alone," says he, "and come and hear me talk. You know I'm not really a bad fellow; I have seen a great deal of life, and my sense of humor is sublime. As for culture, I have some of the latest ideas, including a number of my own."

Though the cult of the child has triumphed, there are still some who think it worth while to do battle for the cause. A contemporary essayist, Mr. Randolph Bourne, would have us believe that we in America are still in a state of unhappy tutelage; he calls upon us to throw aside our humility in the presence of our elders and to assert our native culture. "Let the children be heard, as well as seen," he seems to

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cry. Too long we have carried the ancients upon our shoulders; let us get rid of the strangling burden. Above all, he would have us repudiate the notion, the responsibility for which he attributes largely to so recent a writer as Matthew Arnold, that culture is something that can be acquired by conformity to alien standards. In order to foster our infant culture, he would favor, one is tempted to infer, high protection against foreign culture.

The effect of Mr. Bourne's argument is seriously damaged, however, when we reflect on the small extent to which the alien culture has penetrated our life. It was not long ago that the rich man in a Western mushroom town decided to use some of his newly-earned money for the common good; Leadville should have a theatre. When he went to see the completed building, he found a large bust in the entrance hall. "Who's that?" he asked of the architect. "The bust? Oh, that's Shakespeare," was the reply. "Shakespeare? What did he do for Leadville?" he retorted with some irritation, and directed that his own photograph be set up in the place of the bust. There is a sad bit of truth in the murmur of this child. What, indeed, had Shakespeare done for Leadville? What has he done for most of us? It does not seem worth while to castigate us for offences that most of us have hardly contemplated; we do not know this alien culture too well.

Or is it the few who are leading astray the many? The academic world is accused of fostering a false ideal of culture, because of its preponderant interest in accepted classics, with its partial neglect of the modern thinkers who have not yet been canonized. This patent form of the protectionist argument assumes, what is by no means true, that forms of culture are engaged in rivalry, and that domestic production suffers from the competition of foreign brands of the same article. Of course exactly the opposite is the case; culture is not a commodity, nor can it be measured in terms of quantity. Certainly, it is "not an acquired familiarity with things outside, but an inner and constantly operating taste, a fresh and responsive power of discrimination, and the insistent judging of everything that comes to our minds and senses." Such a quality the child of genius may possess, and may develop without any assistance from without; but it has been left to our generation to discover that every child is a child of genius, and that it matters

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nothing whether he make himself familiar with great works or with little. The order in which we are to appreciate works of art should proceed, we are now told, from what is contemporary and minor to what is remote and austere. True, we do not need to be reminded that, to the average man, Hecuba is less than Huckleberry Finn. But to some it will not appear absurd to suggest that one's appreciation of Huckleberry Finn may be more complete if one has already learned to know Hecuba. Moreover, the argument for beginning with the minor work is not that the understanding of what is good breeds understanding of what is better, but that for the child-like mind it is easier to be interested in what seems to be its natural environment than to journey to more distant fields. The argument is an appeal to the vanity of suburban provincialism; that is at once its weakness and its strength. For although motives of expediency may suggest that we try to build the larger interest on the foundation given us by the smaller, to convert provincialism into national or international devotion, to persuade the child to turn his attention gradually away from himself, there is at least an even chance that our attempt will be checked in mid-course. If we try to approach Dickens by way of the current magazine, we may never progress further than the works of O. Henry.

The whole appeal to the remote and the foreign is perhaps that at which Mr. Bourne lashes with most determination. The "tyranny of the 'best' objectifies all our taste," he writes; it is in opposition to "that inner taste which is the only sincere culture." Here we seem to have come to the heart of the matter; what our critic is really concerned about opposing is the " objectification " of taste. Is there then any measure of permanency in the standards of culture? It is Mr. Bourne himself who has said it; for, as he tells us, the classics in France are not a canon; "but each successive generation finds them redolent of those qualities which are characteristically French." From such a position it seems to be an exceedingly small step to the classical view of art, which believes not in a closed canon, but in various types of experience which every generation finds to be characteristically human. If there be such types of experience, we are happily done with the question of objective standards of taste; we have learned that a great book is not of perennial interest because it is a classic, rather it must be

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called a classic because of its perennial interest. Further, it is France, the country that is commended for wearing her culture so lightly, that has in recent years shown the most remarkable concern about her failing hold on the culture of the past. For she has still the wit to see that what is worn lightly must yet be held securely. It is the late-learner, not the life-long scholar, who becomes the pedant.

One is therefore inclined to feel little indignation at our subservience, whatever it may have been, to the culture of the old world. If we have not mastered it to such an extent that it is no longer a burden, we can not have made it our own to an excessive degree. We need not be afraid of knowing the old world too well; if such knowledge crushes our individuality, it must be an individuality unworthy of preservation. And to resent friendly comparison with the old culture must be the mark either of cowardice or of churlishness. If we have produced thinkers of power and originality, as indeed we have done, we need not fear the co-operation of others.

Such an ideal by no means involves a quantitative notion of culture. A new book read, a new friendship gained, these mean more than numerical accessions to a catalogue of experiences; they mean that all the past and all the future must be surveyed in a new light. The prejudice against the "tyranny of the 'best' " is an academic phase of the child's unwillingness to learn from the experience of others. A contemporary critic has reminded the world that "*on ne peut pas porter partout avec soi le cadavre de son père.*" Never was a witty saying more false. We all carry with us, wherever we go, the bodies of our fathers, not, it is true, lifeless and on our shoulders, but living within us, wrought into the fibre of our being. And we could more easily walk without our ancestral bones than we could get rid of the heritage of culture which is ours by right, and which encumbers us only because we have not learned to take it for granted. It is ours because, try as we will, we can not get rid of the common humanity that is the fountain of all culture. We may ignore it for a time; it may take a burned child to make a wise child. But whether we learn by education or by intuition or by the buffets of hard experience, we must come to recognize, sooner or later, the social character of all true culture; and then in a kind of humility that is akin to pride we shall subscribe to a declaration of dependence.

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If we bear in ourselves at every step the bodies of our fathers, we are nevertheless at all times something more than reincarnations of them. Not only do we live their old lives anew, but we make them our own by our constant discovery of new meaning in the experience that is both theirs and ours. Nevertheless, there is no absolute gap between the old and the new, no point at which humanity must stand still, unable to comprehend itself. The genius that planned the Parthenon is not the same as that which shaped the Cathedral of Chartres; neither are the two immeasurably removed one from the other.

It may be that we lose something by caring a little, if we do care, for the immemorial forms of beauty and of life. It may be that a perverse interest in the dead has blinded us to the living; it may be that we have been too ready to regard the genius in our midst as a mere freak. Such a misfortune is not impossible; to many it will not appear imminent. To many we seem far more ready to hail the freak as a genius, to elaborate fads into solemn dogma, to humor each fancy of the eternal child. Few things, it is true, are more delightful to watch than the spontaneous dance of children, if it be unhampered by the prompting of older folk. Some serious-minded people maintain quite literally that the child's dance should be the model of all art, simply because it is a free and unpremeditated expression of joy. If we could remain children all our lives, the free and unpremeditated expression of joy might remain our highest form of art; certainly, it is a pity ever to outgrow the love of it. Yet if our faith in the cult of the child is shaken, if the horizon of the nursery window seems to grow, we can not forever find the same delight in the dance of the nursery. The mature dance of the ballroom is doubtless an imperfect expression of joy. Yet it may have graces of its own; nor should we ever forget that it is not the lady that has danced her half-score of seasons, but the school-boy, who is annoyed by its conventions, and who finds his feet "in the way."

That our national culture should be characteristically American, may be important; it is of far greater importance that it shall be the expression of our interest in common humanity. Further, a mature and well-balanced interest in humanity, and that is what the distressing word "culture" means, is of necessity a personal matter; one can not be

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interested in anything by proxy. Any artist who is worthy of consideration expresses what he himself feels, whatever his feelings may be: in the same way, the public, unless it has a greater power of self-deception than one is inclined to believe possible, will for no long time profess a regard for something that it despises. The danger of our generation is not a prejudice in favor of an imagined "best," but a tendency to assume that all our judgments have the finality of the Last Judgment. Is it not better to test, without prejudice or arrogance, the worth of many types of experience? It seems fruitless to reproach any man for having found his interest in humanity by devious paths. Wherever he may have found it, however strange the manner of his quest, if it is in itself valuable, and if he has made it his own, that is all that we have a right to ask.

William Chase Greene.

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THE BOOK OF THE MONTH

THE DESCENT OF A POET[1]

BY LAWRENCE GILMAN

In an essay upon the painter Watts, that humane and gifted Irishman who writes under the pseudonym of "A. E." observes that Watts "was not the first distinguished man whose intellect has not proved equal to explaining rightly its sources of power." Now A. E. is himself not only a man of indubitable distinction—one of the first of living Irishmen: he is a man spiritually distinguished above any of his compatriots who are visible, at this distance, to foreign eyes—a man of noble and magnanimous imagination, a devout mystic, a poet of genius; and of him it might be said that, like Watts, he mistakes the true sources of his intellectual power.

We found A. E.'s enlightening comment in the newly published collection of his prose-writings, and as we read it, we related it to another passage in the same volume which had perplexed and disturbed us. This other passage occurs in a study of the poetry of James Stephens, that fantastically charming countryman of A. E.'s whom he discovered and sponsored. "With writers like . . . Stephens," says A. E., "the Celtic imagination is leaving its Tirnanoges, its Ildathacs, its Many Colored Lands and impersonal moods, and is coming down to earth intent on vigorous life and individual humanity."

We shall not say that this sounded to us a little petulant, but rather that it sounded amazingly and disconcertingly like an echo from our own cherished Philistia of criticism: we almost fancied that we could hear in it the voice of any one of our various champions of "red-blooded" art, those robust and confident souls whose intellectual hardiness is

[1] *Imaginations and Reveries*, by A. E. New York: The Macmillan Co., 1916.

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manifested chiefly in their deathless affection for the epithet "virile." We had supposed, however, that this sturdy contempt for the aërial was peculiar to that cultural state which reverences Mr. Jack London and Mr. Kipling, at his worst; yet here is A. E., that dreamer of dreamers, that priest of the esoteric, that most subtle of poetic metaphysicians, girding at those "fastidious scorners of everyday and its interests," those "poets of the transient look and the evanescent light," who, he complains, "do not help us to live our daily life" [a phrase that sounds as if it had been born at Northfield, Mass., in the heyday of Mr. Moody]: those poets who, if they were in love, loved a woman "less for her own sake than because some turn of her head . . . . carried their impetuous imaginations past her beauty into memories of Helen of Troy, Deirdre, or some other symbol of that remote and perfect beauty which, however man desires, he shall embrace only at the end of time."

And so it comes about that A. E., incorrigible visionary, mystic rhapsodist, initiate of spiritual solitudes: A. E., who might once have been overheard saying, with Shelley, to some adored and ineffable Loveliness:

> Beloved and most beautiful, who wearest
> The shadow of that soul by which I live,—

A. E., who was wont to listen with exaltation to the voice that sings out of the *Bhagavad Gita:*

> I am Beauty itself amid beautiful things,—

this, we say, that was once A. E., is now made happy by the "human quality," as he cheerily calls it, in this line by Mr. Stephens:

> . . . . O, it was sweet
> To hear a cart go jolting down the street.

It was twenty years ago that we first came upon certain poems by A. E. that seemed to us as nobly and rapturously lyrical as anything in Blake, and with an idiosyncrasy of beauty and a quality of spiritual passion which suggested no precise analogue. There was nothing in English poetry at all like them, in fact. The art of A. E. was not so exquisite, nor was the verse so transporting in sheer tonal charm, as the art and verse of the magician Yeats; but this poetry spread its wings in altitudes unvisited by the

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singer of enchanted woods and faery seas, and in its fusing of mystical aspiration and intensity of utterance it was, at its best, without precedent or parallel. Here was poetry that flowed from the deepest fountains of the spirit, yet poetry that was not merely noble and devout, but of entrancing loveliness: poetry which gave us some things that will remain unforgettable so long as English is used as an instrument of exalted speech—such things as:

> The vast and wandering dream of night
> Rolled on above our tears. . . . .

or this:

> I am the heartbreak over fallen things. . . . .

or this verse of wonderful and most moving inspiration:

> We kiss because God once for beauty
> Sought amid a world of dreams.

Such was the A. E. of a score of years ago: a poet who was at once sage and artist, a master of life and a weaver of beauty. But to be merely a seer and a singer was not for A. E., apparently, a satisfying destiny. It would be impertinent to dispute the supposed need for an extension of that destiny; but it is permissible to remark and to regret it. A. E. is no longer the mere philosopher and poet, the uplifted visionary and rhapsodist, of two decades ago: he has, in his own surprising phrase, "come down to earth." He is now George Russell, "co-operative economist," agricultural reformer, industrial theorist and organizer, enlightened publicist; an expert in creameries, credit-banks, fertilizers; and his *Co-operation and Nationality,* as Mr. Ernest A. Boyd told us with a fellow-countryman's pride a year ago in these pages, "has been affectionately termed 'the Bible of the Irish Co-operator.'"

Well, one cannot—or one must not—quarrel with a poet who elects to devote himself to social amelioration, to practical public service; and yet . . . . there are many kinds of service, and even a poet may serve. Also, there are many enlightened economists, many experts in creameries and credit-banks; there are even many efficient idealists: but there are few poets of genius—even in this day of the Awakened Muse, when the poet is a man of property, and has a ticker beside his writing-desk, and can quote you yesterday's closing price in Steel or Union Pacific as readily as

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a stanza of Keats'. Yet you will perhaps end by agreeing with A. E.'s chronicler, Mr. Boyd, that, being "a born teacher of men, it was a characteristic impulse that led him to flee from the possible sterility of a purely meditative, literary activity, and to throw himself into the world of agricultural reorganization"—it being known to all, of course, that no teacher of men can possibly function as a mere poet.

So today A. E. writes chiefly prose, and makes that almost wholly a vehicle for the promotion of his social and economic doctrines. But we who remember the A. E. of old cannot but wonder if he ever thinks now of that Ireland which is remote from the Ireland of the enlightened co-operative economist—that Ireland not built by hands—of which, in the forgotten nineties, he wrote with so clear a vision. "The faculty of abstracting from the land their eyes beheld," he said then, "another Ireland through which they wandered in dream, has always been a characteristic of the Celtic poets. This inner Ireland which the visionary eye saw was the Tirnanoge, the Country of Immortal Youth, for they people it only with the young and beautiful. It was the Land of the Living Heart, a tender name which showed that it had become dearer than the heart of woman, and overtopped all other dreams as the last hope of the spirit, the bosom where it would rest after it had passed from the fading shelter of the world. And sure a strange and beautiful land this Ireland is, with a mystic beauty which closes the eyes of the body as in sleep and opens the eyes of the spirit as in dreams; and never a poet has lain on our hillsides but gentle, stately figures, with hearts shining like the sun, move through his dreams, over radiant grasses, in an enchanted world of their own; and it has become alive through every haunted rath and wood and mountain and lake, so that we can hardly think of it otherwise than as the shadow of the thought of God. . . . ."

If all Irishmen of genius are to turn into co-operative economists, or are to emigrate to America, or be executed by the British Government, what is to become of Tirnanoge?

LAWRENCE GILMAN.

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THOMAS RILEY MARSHALL

(From a speech by the editor of this REVIEW at the Waldorf-Astoria on May 8, 1913, replying to an address by the Vice-President, in which he attacked New York as a city of the rich and declared that the power of taxation should be used to reduce individual fortunes to a maximum of $100,000.)

EVERY statesman who comes to this town nowadays from as far west as Rahway feels it to be not only his privilege, but his most distinct obligation, to "warn" New York. He calls it bearding the lion in his den. That is the way he invariably begins. It is a good way, too, because he thus avoids wounding the sensibilities of our traditional tiger and at the same time conveys to the folks at home a sense of his own dauntless spirit. He really has no need to manifest either courage or defiance. We never think of hurting such an one. We never even indicate disapproval of our own chastisement. We simply sit and listen, and when it is over we return placidly to our homes and yawn ourselves to sleep. In other words, we here have become so used to being reprimanded that scolding has become noticeable only by its absence.

And we never complain. What's the use? We know we are bad and we know that those who chide us and the communities from which they hail are good. Else, of course, they would not be so presumptuous as to mark the distinction to our faces. So we take our medicine in halls like this about twice a week, on the average, during the speaking season, and we ask no questions that we may hear no lies.

But what does the stateman from west of Rahway warn us about? Ah, gentlemen, that we never know. He does not tell. Mind you, he never threatens. Always he speaks in sorrow rather than in anger. Usually, being himself broadminded and worldly-wise, he disavows personal responsibility for his utterances. He merely reflects the opinions of others—the "great mass" of others who live at a distance and think loudly. He deprecates the tendency among his fellows. It gives him a pain. But there it is. It exists. And what can he as a patriot and a statesman do except to admonish us who are of the inferior flesh and not of the superior spirit?

Our latest monitory visitor was our worthy Vice-President. He had come almost directly from the place of his nativity, Columbus City, Indiana, which rests on the banks of the river Eel. His pur-

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pose was to inaugurate a four-years' period of perfect silence. He did it admirably. The aching void was filled to overflowing. As a Democrat, I was proud. I had to be. We are in power. At least, some of us are. And the occurrence is sufficiently rare to make gratification obligatory. So it was some occasion. We were all from Missouri that night. We wanted to know. And we found out.

True, some of the things we learned were not entirely new. The fact, for example, that inheritances can be regulated by law was not startling as a discovery. We knew that,—long before the Wabash was christened, to say nothing of the river Eel. Why, it is not necessary to wait 'til a man dies to take his property. That can be be done while he is living, with full sanction of law, too. There may be some question of principle or perhaps of morals involved, but there is no legal difficulty under our form of government. It is simply a matter of votes. So if we are going to inaugurate a policy of confiscation at all, or to suggest one in the guise of a warning, why not, in the trenchant language of the prairies, go the whole hog? Surely the proposal would be no less popular than Mr. Marshall declares his to be. And if there be nothing in usage sanctioned since the days of Solon, the proceeding would be equally unobjectionable. When you once admit that might makes right there is no end of opportunity.

Obviously to Mr. Marshall's mind there are but two distinct classes of humankind. One he depicts as the "thoughtless rich." The other presumably is the thoughtful poor. Patiently one inquires, What is the basis of the assumption that the successful are incapable of reason and that the unprosperous are full of wisdom? Whence spring tangible evidences? From intelligence and thrift or from obtuseness and sloth? Do attained results possess no meaning? Is achievement barren of credit? Does failure evolve philosophy? Are those whom Mr. Marshall describes as the "have nots" necessarily imbued by an inexorable law of Nature with a sagacity withheld from those who have that which they have earned or inherited? Mr. Marshall does not say. Possibly he has not thought.

What he does know is that the number of those who have large fortunes is much smaller than of those who have small fortunes or none at all. But there is nothing new in that. It always has been. It probably always will be. The question he raises is, How much ought one to be permitted to possess, or, rather, to bestow upon his descendants? All he can earn in the one case, all he has in the other, has been and still is the answer of ages of experiment and experience. But Mr. Marshall finds that this idea is now held only by backward or inward looking men. The great mass of those who wish to go forward, presumably into affluence, feel differently. Precisely where the line should be drawn he finds uncertain. But "seven men," not of the East, surely, but nevertheless men "of

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judgment," with whom Mr. Marshall has conversed, are convinced that $100,000 is the proper amount and Mr. Marshall seems to coincide, reluctantly, of course, but firmly.

But why $100,000? Why not $10,000? The number of those who are not able to bequeath $10,000 is infinitely larger than of those who have more? Why, if we are willing to embark upon confiscation at all, should we restrict our activities? And would we if once started upon the road? Did this point, I wonder, arise in the minds of the seven men of judgment? And if so, could their opinion possibly have been made to conform to their means? Even Mr. Marshall will have to admit that, so long as natures continue to be human, there almost invariably comes a time of limit when one feels that the Golden Rule does not apply to his particular case. And it is then that he resorts to what Mr. Marshall designates as the reprehensible practice of employing a lawyer.

But what does Mr. Marshall want us six millions of thoughtless rich in New York to do? Wherein have we so erred of late as to deserve rebuke or require a warning? Were we in his view looking backward when we gave to him as a candidate a plurality of two hundred thousand? Was our legislature at fault when it approved a constitutional amendment providing for a federal income tax? Did that action, which imposes one-tenth of the entire burden directly upon the residents of the Empire State, evidence churlishness or avarice? Was New York out of step with what Mr. Marshall regards as progress when it declared for the election of United States Senators by popular vote? Surely in none of these things can he find occasion for rebuke.

Why, then, the warning? What is the iniquitous attitude or proceeding which Mr. Marshall views with such apprehension that he perceived the need and duty of official admonition? Unfortunately, we are obliged to make our own deductions because he submits no specifications. In a general way he seems to have concluded that the people of this community are opposing or are preparing to antagonize the policies of the Democratic dispensation. But how can that be when the representatives whom they sent to Congress are acting in perfect accord with the leaders of their party? Perhaps it is the tariff. Truly this is the greatest manufacturing city in the Union, and surely if any industries are imperiled by reduction in duties they are those of this vicinity. But where are the signs of opposition? Public journals are commonly recognized as the spokesmen of their communities. Can Mr. Marshall point to a single New York newspaper, Independent, Democratic, Progressive, or Republican, that is denouncing the Underwood bill? On the contrary, each and every one has insisted steadfastly since the day of election that the policy decreed by the people must be made effectual, and practically no adverse criticism has been passed upon the measure now pending. The sole comment has been the natural

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one, "If 'twere done, 'twere well 'twere done quickly." Surely no exception can be taken to that.

You must admit, gentlemen, that even to those of us who pretend we should like to do what is right it is all very bewildering. But I think I have the solution. That is why I take care to refer to our recent guest as Mr. Marshall and not as the Vice-President. I doubt if he quite realizes yet that he has been elected. So, naturally, he keeps on campaigning. Then, too, I know Mr. Marshall and value the record he made as a level-headed, courageous Governor. The trouble with him seems to be that, like Mr. Bryan in former days, he must needs talk occasionally through a cocked hat. He is like what we used to call in New England a fine door-yard horse—one that prances up to the stoop in the greatest style imaginable and starts off with the highest of steps, but as soon as he turns the corner drops head and tail and settles down to a good steady gait.

So there is no need to worry. Experience, gentlemen, is quite as good a schoolmaster as a—well, as a Vice-President, anyway. And I am confident that it is only a question of time when Mr. Marshall will discover that the chief menace to our country today lies not so much in the activities of the predatory rich as in incitement of the predatory poor.

Do not suspect, gentlemen, that I am venturing to chide or even to reply to Mr. Marshall. I am only trying to indicate the causes which impelled somewhat injudicious remarks from a truly worthy man. We cherish no resentments here. We haven't the time. But we cannot accept his suggestion that we wear masks when we visit the East Side. That may be advisable on the part of a resident of Columbia City when he goes down to the banks of the river Eel after dark, but there is no such need in this vicinity. And instead of rebuking Mr. Marshall I would apologize to him. I fear he took away the impression that we did not catch the humor of his remark that the chief occupation of a Vice-President is to keep a sharp watch over the health of the President. But we did. We are not so dull as all that. We saw the joke. We didn't laugh because we could not feel certain, in view of Mr. Marshall's self-revelation, that it was a laughing matter. Indeed, I may go so far as to admit that, if somebody had proposed the health of Mr. Wilson at the conclusion of Mr. Marshall's speech, the toast would have been drunk with rare enthusiasm.

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NEW BOOKS REVIEWED

OUR EASTERN QUESTION. By Thomas F. Millard. New York: The Century Company, 1916.

For two reasons Mr. Millard's book about the internal conditions and the external situation of China is worthy to be read and carefully pondered.

In the first place, the author views events through a long perspective. Though he has a thesis to maintain—the thesis, namely that the United States should defend the "open door" doctrine in China, both for the protection of China and for the safeguarding of American interests—it is not apparent that his historic resumé of Chinese affairs from the conclusion of the Russo-Japanese war to the present is in any way biased by prepossession in favor of the policy he advocates. On the contrary, this resumé is of independent value as an uncommonly thorough and intelligible summary of facts, extending through a period of sufficient length to warrant the drawing of inferences. The patience and skill with which the author reduces Far Eastern problems to their simplest terms, the evident moderation and maturity of the judgments he passes upon men and events, the freedom of his narrative from any merely jingoistic or alarmist tendency, are qualities which recommend the book to the reader who desires knowledge rather than argument.

In the second place, Mr. Millard, who has long resided in the Far East—formerly as correspondent for American publications, and for the last five years as editor of the *China Press* (Shanghai)—gives what may be called an American view of Chinese affairs from the inside. Although it may be that Mr. Millard's peculiar point of observation leads him to overstress the importance of American interests in China and the obligation of the United States to join in the solving of geographically distant world problems, or to overestimate the danger of America from Japan, the picture he makes from this standpoint of the Far Eastern problem as a whole is coherent and in its logical outlines convincing, whatever may be thought of its shading and color.

The dominating thought of Mr. Millard's treatise is, that the Hay Doctrine is a morally sound and practically sufficient policy—

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good for China, good for the United States, good for all the European Powers if they could be brought to accept it and *without exception* to observe it faithfully. As has been said, however, the value of the work as a whole does not hang altogether upon the truth of this leading idea.

The author begins with a discussion of the shift of policies and conditions in the Far East which, after the end of the Russo-Japanese war "upset the quasi-stability gained by general acceptance of the Hay Doctrine" and resulted in a "slump back to the sphere policy," fraught as that policy is with injustice and danger. In this connection, he reviews the failure of the Knox plan for the neutralization of railroads in China, maintaining that Mr. Knox's efforts resulted at least in a sharp and timely definition of fundamental issues. It became clear, as a result of this failure, Mr. Millard concludes, that foreign nations asserted "the right to interfere in business transactions between American citizens and the Chinese Government, in violation of treaties between the United States and China, and of covenants of those Governments with China and the United States; a doctrine which is susceptible of world-wide application."

Mr. Millard then proceeds to tell the story of the Chinese Revolution and of the period of reconstruction which followed it. He describes, with what appears to be a real grasp of the situation, and with manifest sympathy, Yuan Shih K'ai's difficult game of political finesse, while he dismisses Sun Yat Sen as "a sincere and patriotic man . . . ignorant of conditions in China, of Chinese political problems, and of Chinese popular psychology." The result of the rebellion of 1913, in fact, convinced foreign residents of China that the alternative lay "between Yuan Shih K'ai and chaos." It became evident, too, that "Chinese opinion was with the government and against reform by revolution." Moreover, in the opinion of Mr. Millard and other observers, it revealed the fact that Japan was "intriguing in a disturbing way in Chinese politics."

At this stage in Mr. Millard's discussion the reader probably will have been pretty fully convinced that the path of safety for China in its present state is that which Yuan Shih K'ai attempted to follow; and that there exists in the country a body of conservative popular opinion that might have made that policy entirely successful. Young China, to be sure, "has fretted under Yuan's conservatism and so-called reactionary tendencies"; and "it is to the Young China element," adds Mr. Millard, "that China must look for regeneration . . . . but the day when Young China can be intrusted exclusively with the direction of the nation has not yet arrived."

Very interesting in connection with the whole problem of China's reconstruction is the author's discussion of the six-Power loan and

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of the effect upon China and upon American prestige in China of the withdrawal of American bankers from that loan. With great fullness the author develops his view of China's political and financial position and of the duty toward her of a friendly nation. In brief, since China must have loans if she is to become stable, and since loans are impossible without the security that government backing gives, it was not a friendly act on the part of our Government to withhold that backing. In other words, Mr. Millard holds, not illogically, that the same method which may be, and has been, used for the disintegration of China may be and ought to be used as a means to preserve her integrity. It is obvious that here is one of those cases in which the righteousness of theory (as represented by the principle of non-interference in another nation's affairs) and the righteousness which regards the immediate end do not coincide.

From this point onwards the treatise advances upon still more controversial ground; it becomes an effort to prove that Japan is by fixed policy hostile both to China and to the United States, while the United States, by right and logic, the best friend of China. Mr. Millard's analysis of Japanese policy, beginning with the seizure of Kiaochou, is thorough and impressive. His discussion of the effect upon the United States of Japan's belief in "irrepressible expansion" seems better founded than most of the arguments which advocates of preparedness have found to justify their fears of war. If the facts have not been generally appreciated in the United States Mr. Millard would find the explanation in those causes which he explains in his outspoken and interesting chapter upon "International Publicity and the Far East."

At lowest, it may be said of Mr. Millard's book as an argument for preparedness and for a positive American policy in China, that it makes a far deeper impression than do most arguments of similar tenor not only through its massing of important facts but also by virtue of what seems an unusual frankness—a quality that is easy to distinguish from mere rhetorical assertiveness.

ALFRED RUSSEL WALLACE: Letters and Reminiscences. By James Marchant. New York: Harper and Brothers, 1916.

The place of Alfred Russel Wallace in the first rank of thinkers is forever assured. In spite of his modesty, his anxiety that the chief credit should always be given to Darwin, Wallace has been highly and justly honored as the co-discoverer of the great principle of Natural Selection. He himself might have objected even to the term "co-discoverer," in so far as it might seem to imply coincidence in time between Darwin's flash of insight and his own. Just how the matter stood, Wallace explained, not for the first time

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but most fully and most publicly, on the occasion when he received the first Darwin-Wallace medal, presented by the Linnean Society in 1908. His speech of acceptance, hitherto unpublished except in the *Proceedings* of the Society, besides much more that is fresh and interesting, is printed in the book of letters and reminiscences entitled *Alfred Russel Wallace* which James Marchant has recently given to the public.

"The one fact," said Wallace, "that connects me with Darwin, and which, I am happy to say has never been doubted, is that the idea of what is now termed 'natural selection' or 'survival of the fittest' together with its far-reaching consequences, occurred to us *independently* and was first jointly announced before this Society fifty years ago. But what is often forgotten by the press and the public is that the idea occurred to Darwin in 1838, nearly twenty years earlier than to myself (in February, 1858); and that during the whole of that twenty years he had been laboriously collecting evidence from the vast mass of literature of biology, of horticulture, and of agriculture; as well as himself carrying out experiments and original observations, the extent of which is indicated by the range of subjects discussed in his *Origin of Species* and especially in that wonderful storehouse of knowledge, his *Animals and Plants Under Domestication.*"

Owing to the perfect candor and justice which characterized both these great men, there has never been any real conflict of claims between Wallace and Darwin. The facts of the case are well established. But Wallace's specific statement, though it tells nothing new as to the facts, tells much about the man: it is of the highest value as an expression of character. The same sort of value attaches in even greater degree to the whole of the Darwin-Wallace correspondence, which forms what is undoubtedly the most important section of Mr. Marchant's book. Some of these letters have been published before: others have not, and the desirability of bringing them all together in proper sequence is obvious.

In the lives of no other great thinkers and writers is there anything that quite parallels the friendship of Wallace and Darwin. The two men were equal in high-minded devotion to the truth, and at the same time both were capable of an enthusiasm, a generous warmth of feeling, that makes their much-respected friend and co-laborer, Herbert Spencer, seem by contrast a mere frigid thinking machine. As a result, they longed to reach complete agreement, while they were doomed perpetually to disagree, not indeed as to the fundamentals of the thesis they held in common, but as to some of its subordinate features. "I grieve to differ with you," wrote Darwin to Wallace, "and it actually terrifies me and makes me constantly distrust myself. I fear we shall never quite understand each other."

It is rather interesting to note that so far as the letters show,

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it was generally Wallace who struck the dominant note in the harmony of the two. It is he who hopefully raises difficulties and suggests happy solutions; it is he who is ever cheerfully confident of ultimately bringing round his friend to his own point of view. It is Darwin, on the other hand, who is most painfully conscious of the difficulties of his task and of the limitations of human understanding. If Darwin were the greater scientist, Wallace seems to have possessed the more adventurous and, one is tempted to say, the more fertile mind.

The main fact, however, is that the essential harmony of the two was never broken. The long series of letters that passed between them during the period from 1857 to 1881 not only traces with a peculiar poignancy of interest the advancement of the idea of which both men were prophets, but forms a lasting monument of character—of loyal friendship cemented by intellectual honesty.

In addition to the Darwin letters, the book contains a large quantity of Wallace's other correspondence. In expressing to various friends his views on biology, on social and political topics, on astronomy, on spiritualism, Wallace introduces one more directly and familiarly into his intellectual life than he does even in his autobiography. His letters reveal a mind that united breadth with exactness, versatility with earnestness. Wallace had a way of seizing upon issues that were vital and that have remained vital. His words have an urgent, contemporary ring, and in reading his letters one seems to be listening to the voice not of one man but of many. No more than John Burroughs could he close his eyes to the essential mystery of life. To a correspondent who had made some inquiry as to the cause of the varying colors in hairs and feathers, he wrote: "The purpose or end they serve, I have, I think, sufficiently explained in my *Darwinism*. . . . But the 'why' which goes further back, to the directing agency which not only brings each special cell of the highly complex structure of a feather into exactly its right position, but further carries pigments or produces surface striae . . . also to their exactly right place, and nowhere else—is the mystery which if we knew, we should (as Tennyson said of the flower in the wall) 'know what God and man is.' . . . . All theories of heredity, including Darwin's pangenesis, do not touch it. . . . ." No more than William James (to mention another scientist who could not be suspected of being obsessed by the mysterious) could Wallace acquiesce in the dismissal of all "spiritualistic" phenomena as inconsequent and profitless. He was as vehement in his denunciation of "landlordism" as was Henry George or Joseph Fels. In one passage we find him predicting (1878) that whatever power the Turks retained in Europe would "most certainly involve another war before twenty years are over." In another, he suggests that, "perhaps in the not distant future, Russia may become the most advanced instead of the most back-

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ward in civilization—a real leader among nations, not in war and conquest but in social reform." In one letter he criticizes Professor Lowell's views on the habitability of Mars; in another he argues strongly for an eight-hour day. All this from a man who was so whole-souled a naturalist that "in describing his first sight of the *Ornithoptera cræsus,* he says that the blood rushed to his head and he felt much more like fainting than he had done when in apprehension of immediate death!"

The narrative parts of Mr. Marchant's book, though adequately informing, are somewhat labored and over-cautious in style. In particular is the author's rather half-hearted attempt to compare the lives and minds of Wallace and Darwin unsatisfactorily weak and tentative. The book as a whole brings a welcome addition to our knowledge of a really great man.

French Policy and the American Alliance of 1778. By Edward S. Corwin. Princeton: Princeton University Press, 1916.

No sort of history is more difficult of satisfactory analysis than that of international relations, for the historian is in this case obliged not only to determine matters of fact and to trace causes, but also to ascertain motives; and the motives of a foreign policy are notoriously hard to penetrate. To begin with, it is sometimes by no means easy for the student to understand exactly what is meant by the motives of a nation in its foreign relations. Vagueness on this point, or uncertainty of emphasis on the part of the historian, leads to discouraging vagueness of conception in the mind of the reader. If it is clearly understood that by the policy of a nation is meant the controlling ideas of those who guided its destinies in a given period—the ideas that were actually effective—the matter is simplified; but then it becomes a task of peculiar delicacy to reduce to their basic elements the conflicts of contemporary opinions, theories, and interests; to distinguish between ostensible and real motives, and finally to avoid being unduly influenced by the natural assumption that what would seem to modern minds the obvious motives were really those which had weight with the statesmen of a past age.

No sort of history, however, is more fascinating, or potentially more enlightening, than this of international relations; for it is precisely through the shifts and pretenses, the often mistaken aims, and the inadequate principles of diplomatic action that the outlines of world-history may be made out.

The notable success of Professor Corwin in overcoming the difficulties just referred to and in eliciting the full interest and value of his subject, in his recently published study of the Franco-American alliance of 1778, is due to his thorough mastery of the

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principles that governed French political thinking in the period he traverses. Once the leading ideas of the time are grasped, it is remarkable how perfectly all the main facts fall into line, and how susceptible of easy and natural explanation all minor difficulties become.

Public opinion—the ideals of the people of each nation—is destined, one may hope, to become a more potent factor in international affairs than it has been in the past, and even in the eighteenth century it may be admitted that French popular sentiment—itself influenced by the philosophy of the time—exerted upon French official action an influence that was favorable to America. "Nevertheless," writes Professor Corwin, "the idea that France ought to intervene, if chance offered, between England and her North American colonies in behalf of the latter, came in the first instance, not from the *salon*, but from the Foreign Office." Again, the notion that France was actuated merely by traditional hostility toward England and by jealousy of her growing power, will hardly suffice except for those who are content with half an answer. For the reader of Professor Corwin's treatise, the flat and superficial view embodied in this statement is replaced by a far more satisfactory tri-dimensional knowledge.

In order to comprehend French policy in the eighteenth century, one has to grasp fully the prevailing doctrines of Mercantilism and of the Balance of Power, and one has further to understand thoroughly the meaning of the fact that during the period in question Europe was still organized on the dynastic principle, with its corollary—"especially noteworthy in the case of the elder branch of the House of Bourbon—that position and influence were the essential objectives of diplomacy even in the age of 'Benevolent Monarchy.'" In reading the documentary extracts which Professor Corwin has embodied in his narrative one is more and more struck with the preponderating influence of these three groups of ideas. The premises of Choiseul and Vergennes are practically identical, and the same kind of thinking underlies the narrow, self-seeking policy of Spain as that which governed the larger and in some respects more generous views of France. Accordingly, one soon becomes satisfied that Professor Corwin has dug down to the root of his subject and that his treatise is no less sound as an ultimate view than it is thorough and intelligible as a formulation of the facts.

In brief it was the aim of French diplomacy during the period of the American Revolution, as it had been before, to restore to France that influence and prestige in Europe which she had enjoyed in the palmy days of Louis XIV. In order to accomplish this end, it was held that the Balance of Power must be kept favorable to France, while Mercantilism taught that power depended upon a

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favorable balance of trade. The policy, therefore, which the French Foreign Office on the whole consistently followed was to weaken the power of England by helping to deprive her of her American colonies, the source, as was universally believed, of her commercial greatness.

In this larger view of French motives—a view the correctness of which is confirmed by the facts at every turn—the notion that France was simply concerned for the safety of her Caribbean possessions, in view of a possible attack by combined English and American forces (supposing the rebellious colonies to be satisfied by British concessions), fades into relative unimportance. The arguments of Vergennes on this point appear to be not altogether consistent with one another, nor with opinions expressed by the same statesman in other connections; and it is pretty plain that Vergennes used the defense argument largely for its value as propaganda—for countering such objections, for example, as those of Turgot, and for overcoming the timidity and the scruples of Louis XVI. Thus French intervention in America is seen to be not "an episode in the British-French struggle for colonial dominion in the Western Hemisphere," but "an episode in the European policy of the *Ancien Régime.*"

Closely related in conception to the foreign policy of France, though in a measure offsetting it, was the attitude of Spain toward Great Britain and toward the British colonies which had revolted. For though Florida Blanca, the Spanish Secretary for Foreign Affairs, seems to have agreed with Vergennes as to the desirability of weakening England and as to the efficacy of the means proposed, his fear lest the growth of a strong American state should endanger Spain's possessions in America, as well as his aversion to encouraging revolution, kept him from co-operating heartily with the French programme.

The story of the Spanish complication sheds interesting light upon the fact that the victory at Yorktown was not directly the result of plans formed by the French Foreign Office, but of the independent action of Rochambeau and Grasse; and it helps also to explain how the American peace commissioners came to violate their instructions. Informing, too, is the author's estimate of the real worth of the aid eventually given by Spain, as well as his acute analysis of the effect upon American interests of the secret agreement between Spain and France.

So clearly cut are the logical lines of Professor Corwin's treatise that a single reading proves more instructive than the laborious study of an equally scholarly but less lucidly reasoned work could be. In an unusual degree the author possesses the skill to probe deeply into the details of a subject without diverting attention from the main issues. His work as a whole is shapely and possesses great continuity of interest.

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THE WAR FOR THE WORLD. By Israel Zangwill. New York: The Macmillan Company, 1916.

It may be that the war, with its unsettling of preconceived ideas and its demand that facts of a hitherto unconceived frightfulness be squarely faced, has somewhat affected our sense of literary values. Any theme connected with the war, at all events, seems at present too grave for eloquence, too grave for mere criticism, too grave for a literary manner, too grave to admit of anything except the discussion of facts and causes and remedies. In view of this, it would not be strange if a number of persons should experience a certain impatience in attempting to read Israel Zangwill's, *The War for the World.* Mr. Zangwill's burning earnestness seems almost like levity; the caustic sarcasm he habitually uses in the interest of high ideals—unwilling, perhaps, that the devil should have all the fine sarcasm to himself—seems in this case somewhat out of place; his manner—a manner as elaborate as that of literary controversy—is even irritating. To be sure, it is good for us sometimes to be irritated, because we need to be stung to action; but to be told through a series of brilliant and artfully pointed paragraphs, and through striking metaphors, that civilization is at stake in the present war, that no nation can afford to become Prussianized, that competition in armaments is ghastly foolishness, that arbitration will not prevent nations from flying at one another's throats, is in this third year of the European conflict simply nerve-racking.

Such a thing, too, as Mr. Zangwill's essay upon "Rosy Russia" seems somewhat more bitter and somewhat less informing than the kind of discourse about Russia one would, in the mood induced by the war, desire to read. Mr. Zangwill is perhaps right in believing that the attractive picture of Russia which is just now being rather persistently held up to the world is in some respects false or exaggerated. Yet the facts he adduces hardly suffice to remove the impression which certain apparently well-informed books have produced that in Russia there is splendid human material and that a transformation is going on there which may mean much to civilization. Further than this in the idealization of Russia few of us are probably inclined to go. It is not likely that Mr. Stephen Graham, for instance, has deluded many Americans into making a fetish of Holy Russia or into growing unduly sentimental over the Russian *moujik.* It is probable, on the contrary, that this writer by revealing some traits of the Russian peasant that are deserving of admiration or sympathy has really benefited the world. It is unfortunate that Mr. Zangwill should have thought proper to quote against Mr. Graham, who happens to be Scotch, those sneering lines of Defoe's about the "True-born Englishman." It is true that Mr. Zangwill's wrath on this occasion is excited not primarily by

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Mr. Graham's view of the Russians, but by Mr. Graham's attitude toward the Russian Jews. But whatever the provocation, the passage is regrettable.

The fundamental defect in Mr. Zangwill's essays is that, while they very effectively emphasize principles and very skillfully disentangle logical snarls, they seldom go deeply into causes. Thus his discussions not infrequently issue either in truisms or in somewhat arbitrary assertions. The statement that "the love of law must yield to the law of love" is uncontrovertible if the Christian ideal is true—though perhaps not everyone would feel obliged to accept as an immediate inference the conclusion that "if Germany desires of our [British] territory she must have it." The statement that for those who question whether or not it is right to kill men in a national cause the answer "Render unto Cæsar the things that are Cæsar's" is sufficient, is, to say the least, debatable.

There is good thought in Mr. Zangwill's essays: ethically, the author is usually clairvoyant. There is suggestive thought in them: the whole discussion of the place and function of the Church, for example, is full of insight. Characteristically keen, too, is Mr. Zangwill's argument that the extension of liberty which the granting of female suffrage would mean is particularly needed in England now, since victory or defeat may equally bring a "wave of militarism, of conscription, of further reduction of liberty." There are brilliancies of phrase in the essays without number—pointed ironies, witty formulations of truth. To those who, in reading of war-themes, can concentrate their minds upon ethical preachments, upon thought-provoking suggestions, upon verbal brilliancies, this book of Mr. Zangwill's will prove edifying.

THE FREE MAN AND THE SOLDIER: By Ralph Barton Perry. New York: Charles Scribner's Sons, 1916.

The function of the philosopher is not merely to labor toward that ever-receding goal of philosophy—the explanation of the universe as a whole—nor to trace intelligibly the development of philosophic thought from remotest times to the present. The man of philosophic mind has a more directly valuable work to do. He may play a useful part in society by applying his gift of analysis to the ideas which most persons uncritically accept and by keeping before men's minds those general truths which too often escape notice in the confusion of particular interests. Seldom, indeed, does truth as seen from the philosophic viewpoint immediately prevail; yet it is of the highest consequence that it should be expressed.

That a philosopher may be a charming essayist has been shown by certain writers of the type of John Fiske and William James. The fact is reëmphasized by the high merit and readability of the

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group of essays by Ralph Barton Perry, professor of philosophy in Harvard University, which have recently been published under the general title, *The Free Man and the Soldier*.

As explained by the sub-title, the essays are really studies in the reconciliation of liberty with discipline. They deal with subjects as apparently remote from one another as war, education, and woman's suffrage.

In the title essay the author lays bare the fallacy of the common assumption that universal military service is opposed to an individualism that is worthy and admirable. In "The Vigil of Arms" he discusses compendiously the question, "How shall we be as strong as the hazard of war requires, with the least prejudice to our peaceful pursuits and our constructive humane ends?" An analysis, in another essay, of national culture as a motive for aggression, "When aggression takes high ground," gives him occasion to define with uncommon clearness the saving idea of tolerance. Not less admirable for its pointed and lucid statement of essentials is his essay on "What Is Worth Fighting For"? The creation of "some greater unit of civic life," capable of controlling the nations, is obviously the means by which the peace of the world is ultimately to be secured. "But how," asks Professor Perry, "shall we go forward to this end? Not by abandoning what has already been achieved, the integrity of the nation. For what we seek is something greater than nationality, not something less." Following a similar vein of thought, the author, in his essay upon "Non-Resistance and the Present War," riddles the pacifism of Bertrand Russell.

Professor Perry's discourses upon education and his essay upon "The Useless Virtues" are even better worth reading than his discussions of peace and war. One would have to look far for a wiser defense of liberal education than his "Education for Freedom," while the distinction which he establishes in "The Useless Virtues" between "long-range and short-range practicality" is really illuminating.

Though the thought expressed in these essays is not, in general, of striking novelty—the ideas for the most part being of the sort that are now much in the air—the clearness and grace with which the author sets forth fundamentally sound views, the freedom of his exposition from doubtful or irrelevant complications, make his book valuable as a guide. Far from being a plodding demonstration, each essay is rather a succession of clarifying remarks.

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DEMOCRATS AND PATRIOTS

THE FOUR MEMBERS OF THE PRESIDENT'S PARTY WHO VOTED AGAINST HIS SURRENDER TO THE LABOR UNIONS

James P. Clarke, Democrat, of Little Rock, was born in Yazoo City, Yazoo County, Miss., August 18, 1854; second child and eldest son of Walter and Ellen (White) Clarke; was educated in the common schools of his native town, in several academies in Mississippi, and studied law at the University of Virginia, graduating in 1878; began the practice of his profession at Helena, Ark., in 1879. He entered the political field in 1886, being then elected to the House of Representatives of the Arkansas Legislature; in 1888 was elected to the State Senate, serving until 1892, and being president of that body in 1891, and ex-officio lieutenant-governor; was elected attorney-general of Arkansas in 1892, but declined a renomination, and was elected governor in 1894. At the close of his service as governor he moved to Little Rock and resumed the practice of the law. He was elected to the United States Senate to succeed Hon. James K. Jones, and took his seat March 9, 1903; re-elected in 1909. Elected president pro tempore of the Senate at the beginning of the Sixty-third and Sixty-fourth Congresses. His present term of service will expire March 3, 1921.

Thomas William Hardwick, Democrat, of Sandersville; born December 9, 1872; served two terms in Georgia Legislature; was elected to the Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first, and Sixty-second Congresses, and re-elected to the Sixty-third Congress; was nominated by the State Democratic convention of Georgia on September 2, 1914, to fill the unexpired term of the late Senator A. O. Bacon, and was elected to the United States Senate on November 3, 1914, by the people of Georgia for the term ending March 3, 1919.

Henry J. Steele, Democrat, of Easton, was born in Easton May 10, 1860; was educated in the public schools and at a business college; was admitted to the bar in 1881, and has practiced law continuously to the present time. In 1914 was elected president of the Pennsylvania Bar Association; received the degree of A.M. from Lafayette College and LL.D. from Muhlenberg College; was elected to the Sixty-fourth Congress, receiving 15,118 votes to 8,306 for John D. Hoffman, Republican; 4,671 for Edward Hart, Washington Party; 718 for Howard Flagler, Prohibitionist, and 668 for Peter V. Cargill, Socialist.

Eugene Black, Democrat, of Clarksville, son of A. W. and T. A. Black, was born near Blossom, Lamar County, Texas, July 2, 1879; received a common school education in the public schools at Blossom, and taught school for three years in Lamar County; is a lawyer, having graduated from the law department of Cumberland University, Lebanon, Tenn., and located in Clarksville to practice his profession; was married in 1903 to Miss Mamie Coleman, of Blossom, Texas, and they have five children—Margaret, Lydia Gene, Adelle, Rachael, and Harold. He was elected to the Sixty-fourth Congress, never before having held public office.

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LETTERS TO THE EDITOR

A LAWYER'S OPINION

SIR,—Not long ago you urged the nomination of Mr. Hughes upon the ground that the people wanted him; after reading the ideas of Mr. Worthington in the current REVIEW I am not so sure that you are still of the same mind, but I hope you are—there is every reason why you should be.

Mr. Hughes's *courteous* reception at Nashville brings out into sharp relief the intolerant partisan spirit of that section of the country—and his behavior under very trying circumstances was admirable; he spoke with coolness, courage and vigor.

One of the hecklers referred to Huerta as "that assassin." A few days ago Secretary Baker, I think it was, spoke of him as a "bloody monster." Is it not time that the people should be made to realize that there is not one jot of evidence as to Huerta's murder of Madero beyond the occurrence itself, at that particular time? No jury could possibly convict him, and whether he was concerned in it or not will probably never be known to a certainty.

Madero had plenty of enemies: relatives and friends of those whom he had marked for execution, or of the two officers he shot with his own hand when he was first arrested. Moreover, Huerta "stood to lose" more than he could possibly gain by such an act—he was certain to alienate the foreign Powers, and to damage his reputation and standing irretrievably. No one has denied him ability and shrewdness, and leaving morals aside, it is most unlikely that the murder was at his instigation.

Whether recognition of the Huerta Government at once would have been the wisest course or not—personally I think it would—certainly it would have been wiser than the most unwise one followed, viz.: an assumption in an un-American way of unproved guilt, and a meddlesome interference with Governmental organization in a most positive way—a course which has led to all the disastrous and tragic events which have followed; the bloodshed and disorder, the utter anarchy. It is idle to speak with horror of Huerta as a "bloody monster" and then to approve the giving of arms to Villa, a notorious cutthroat, whose deeds on both sides of the border have shocked humanity! To determine, against all our way of thinking, that a man is guilty, instead of giving him the benefit of the doubt until something like proof is brought against him; to treat him as a criminal and all concerned with him as accessories before or after; to refuse to allow others to aid him; and on top of this, to come to the assistance of an infamous bandit whose guilt has been proven time and again, and all in a country over

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which and over whose criminals public or private we have no jurisdiction, is a course so unprecedented in American annals as to astound and appal any thinking man! Upon the plea, *ex post facto*, that the United States not only has a Constitutional Government, but is the champion of Constitutional Government everywhere, it is sought to justify not merely a negative position—failure to "recognize" the Huerta Government—but a most positive interference, in the shape of messages to the "*de facto*" President that not only would his Government not be recognized, but none set up by the existing Mexican Congress or elected while he (Huerta) was in power would be; and all this while the forms and requirements of the Mexican Constitution had been strictly complied with.

Somewhat later on, after the departure of Huerta from Mexico, when confusion worse confounded reigned, and Carranza, Villa, Zapata and others were making a hell out of the country, we were told that our strength and Mexico's weakness did not entitle us to interfere in her internal difficulties!—while almost at the same time United States marines were being landed in Haiti to suppress a revolution there! Sometime before this, after a long period of "watchful waiting," during the Huerta incumbency, when all the world was beginning to be restless and impatient over the continued upsets, a trumpery incident took place at Tampico, magnified into an "insult to the flag"—and a demand was made for a salute, with an offer to return gun for gun—this not being acceded to promptly our forces were ordered to occupy Vera Cruz, which they at once proceeded to do, at the cost of some nineteen American and nearly two hundred Mexican lives—we even sent troops to encircle the city. After some rather laughable bickerings as to the character of the salute, nothing was done—though Mr. O'Shaughnessy, our Chargé d'Affaires, worked earnestly to get Huerta to comply with our demand—a demand upon an unrecognized Government! Now we are told, long after the fact, by Secretary Lane, that the purpose of the occupation of Vera Cruz was not to enforce the salute—but to show Huerta that he must go!

For his special advisers during all this time the President had selected a gentleman, a native of Sweden, who had passed the greater part of his life in one of the Northern border States, and who had never had any diplomatic experience, or knowledge of the Latin American countries or peoples. Is it any wonder the President's course was so wrong-headed? That such prolonged anarchy, such destruction of life and treasure ensued? And yet Mr. Lane has boldly stated that there is no part of this Administration's record of which he is so proud as of the record of its dealings with Mexico! And another Cabinet member has had the audacity to say that in Mexico we have done as we would be done by! Why, the hands of this Administration are red with the blood of those on both sides who fell at Vera Cruz: with the blood of all those who have fallen in Mexico and across the border, after it prevented the only Government in existence from exercising its functions—and it is directly responsible for all the ill-doings recited in the preamble of Mr. Lansing's note to Carranza—the prelude to the decidedly Pyrrhic "victory" which followed!

The "flag" has become a joke and a by-word to the Mexicans, and alas! to others—alone among the flags of the Powers, it fails to command respect, or in the eyes of others to symbolize any of the qualities for which it used to stand.

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Worn-out platitudes, dressed in new and becoming words—so-called "Idealism," but real unpractical and pernicious bosh—have succeeded to the virile, strong common sense, fairness, and practical methods of other days—and it can only be hoped that the People have come to their senses and will no longer be dazzled with brilliant phraseology, ingenious and disingenuous word-juggling, and have had enough of the greatest *poseur* the world has ever seen, the most inconsistent doctrinaire, and the most adroit politician that ever put on a hat.

LUCIUS S. LANDRETH.

PHILADELPHIA, PA.

"CHRISTIANITY AND THE SWORD"

SIR,—In the REVIEW for August I find another of those attempts, under the heading, "Christianity and the Sword," to prove that Christ, Socrates and other great men were fighters. And as I read this nth. attempt to show that Christianity was anything that we might severally fancy it to be, I fell to wondering why there were not more of our so-called learned men who saw the case in its more logical aspect. It seems to me that we may reasonably suppose that Christ, while here on earth, partook of both the human and divine natures, and that, consequently, he said and did things in the earlier part of his earthly career that he saw and did differently later. At no time did he claim to be perfect. Why can't we, then, give him credit for having improved in his ideas and acts as we are supposed to? He is quoted as having said: "Be ye therefore perfect, even as your Father which is in heaven is perfect." But wouldn't it be more in keeping with good judgment and reason to suppose that what he really said was "*become* ye therefore perfect"? Surely there is a vast difference between being and becoming, and it seems quite logical to assume that Christ understood that difference.

In the garden Christ prayed: "If it be possible, take this cup from me." and in that prayer he not only betrayed his human kinship but made it the closer. For my part, I prefer to think of Christ as having been a man, but at the same time one who was capable of leading other men onward and upward to higher and better things. He was, to my mind, an idealist, in the true sense of the word. He said: "My kingdom is not of this world"; that is, the kingdom that I hope to attain to—my goal. And there was another characteristic about him that is quite generally overlooked, and that is that he was not an organizer but an individualist. He taught that each one of us had an individual part to perform and that we should perform that part, regardless of what others did or said. Our great danger lies not in isolation but in organization. We prefer to go forth in parties and armies and fight for what we want, regardless of whether or not we are really right or wrong, rather than go forth alone and trust for results in the Power that Christ trusted in.

We fail to see the fact that we cannot really win if we are wrong.

Granted that Socrates, on three occasions, went forth in shining armor and fought for his country. But we should not overlook the fact that that was previous to his trial and condemnation. What did he do then? It was after he had traveled the road of resistance that he put into practice the Christian admonition, "Resist not evil." And accordingly he made no resistance when asked to drink the hemlock. It was at the time of supreme

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test, when it was a matter of choosing between human life and divine Life, that both Christ and Socrates looked evil calmly in the face and chose the divine. They both finally learned that this life is not worth fighting for—that the *real* Life is attained through *not* fighting.

Shall we, then, go on fighting for the vain and transitory things of this life, or part of Life? That depends upon the viewpoint. The essential question is: *What Shall We Do Eventually?* In other words, What is it that we really want? It seems to me that it makes all the difference in the world what that something is, and whether or not we believe it to be worth the price that God sets upon it.

C. E. ROSER.

BOONVILLE, N. Y., Aug. 12.

KANSAS AND PROHIBITION

SIR,—As a reader of THE NORTH AMERICAN REVIEW, and an open-minded American citizen, I want to thank Mr. Albert J. Nock for his excellent article on "Prohibition in Kansas." Seldom, if ever, have I read more lucid exposition of cause and effect with regard to the liquor question.

For years Prohibition agitators have declared Kansas to be the real Utopia—a perfect State, free from poverty, immorality and corruption. In Kansas everything good (and everything in Kansas is good, according to the Prohibitionist) is said to be a direct result of the anti-liquor movement. When we hear Prohibition orators shout the praises of Kansas and read lengthy statistical statements to prove the wonderfully beneficial effects which have resulted from the abolition of the saloon, we cannot restrain a shudder at the thought of the terrible conditions which must have prevailed in years gone by, before "bootleggers" and "blind tigers" were known to the people.

There is no doubt that, as Mr. Nock declares, "initial advantages" and the continuance of the methods and customs of Puritanism have had a great deal to do with present conditions in Kansas; and that too much importance must not be attached to the Prohibition movement. I sincerely hope that Mr. Nock's article has been carefully and extensively read, especially by Kansans, for it tells a few truths which have been missing from the specious arguments of the propagandists.

JOSEPH WALTERS.

NEW YORK CITY.

SIR,—If your contributor, Albert J. Nock, will read *The Peace of the Solomon Valley*, by Margaret Hill McCarter, he will find that a bright Kansas woman can portray New York snobbishness and egotism in a more pleasing manner than he depicts Puritanic Kansas ignorance in his article, "Prohibition in Kansas."

I think Kansas has reason to be proud of being one of the forerunners in disposing of the villainous American saloon with its attendant vice and depravity.

Like all apologists for the booze traffic, Mr. Nock suggests a better way, but we, who have labored to reform the saloon, know there is but one effective way to regulate it: Debar it.

D. H. GILLMORE.

SHAWNEE, OKLA.

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A MATTER OF BOOKKEEPING

SIR,—The articles appearing in THE NORTH AMERICAN REVIEW, since the January, 1916, issue on the subject of the Chicago & Alton case have been of special interest to me as an observer of the trend of public opinion in railroad matters.

On page 540 of the April issue, Professor William Z. Ripley states, "Profit and Loss on the *liability side* of the balance sheet for 1915 stands at $7,451,000." As I see it, in the light of the Interstate Commerce Commission's rules for railroad accounting, an amount of this nature on the liability side of the balance sheet would indicate a surplus to the credit of Profit and Loss. The facts are that the amount shows on the asset side and represents a deficit in the Profit and Loss account; reference to the Alton report to its stockholders for 1915 will verify this.

RAY HUSTON.

NEW YORK CITY.

SIR,—Attentive reading will show that my statement was absolutely accurate. When I said the company was $7,451,000 to the bad on the *liability* side, I naturally cared *not* on which side of an accountant's sheet of paper it was entered. I said it was to the bad, and so it was.

W. Z. RIPLEY.

NEWTON CENTRE.

PRAISE AND BLAME

SIR,—I indulge the hope that this note may fall under the eye of the editor, Mr. George Harvey.

I consider THE NORTH AMERICAN REVIEW the highest type of magazine. I have read it for many years and have drawn inspiration and instruction from its able articles.

I particularly enjoy the style of Mr. George Harvey in everything he has to say except about politics, but I really feel that the pen that wrote the splendid articles on Justice Brewer, Goldwin Smith and Whitcomb Riley ought not to be betrayed into criticism of the Nation's President, nor lend his magazine to spread such opinions as those by David Jayne Hill or even by O. G. Villard, although the last writer has told his message in such a superb way that a Democrat (myself) can read more praise than blame into it.

Now this is not merely an opinion. There is a principle involved: Our magazines should not be channels for political influence either for or against a candidate. We can not escape that in the daily newspapers, the more's the pity, but when we sit down for communion with the highest minds, such as THE NORTH AMERICAN REVIEW'S standard is, we do not want partisan politics. There are many weak people in the world that are easily influenced erroneously.

I wish also to commend the fine work of Edith Wyatt. What she has to say about Thoreau and Muir is said as a man would say it.

The September number, excepting the politics, is worth much more than the year's subscription.

JOSEPHINE GREENWOOD.

NEW YORK CITY.

[We do not aim to please our readers.—EDITOR.]

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